

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49612 of 2015

Arising Out of PS.Case No. -1256 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Harendra Prasad @ Munna Roy Son of Netram Prasad
 2. Ansuu Kumar@Ashutosh Kumar son of Harendra Prasad
 3. Nagendra Prasad@Nagendra Kumar Son of Ramdeo Prasad All resident of Village- Neura, P.S Bihta District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Daulati Devi W/o Arbind Roy R/o Village -Neora Kumhartoli, P.s Bihta District Patna(At present residing Maner Mahadeo Asthan ,Ps Maner, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Lallan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-11-2015

Petitioners are apprehending their arrest in a complaint case wherein process were directed to be issued after cognizance being taken for the offences punishable under Sections 147, 452, 302 of the Indian Penal Code.

The prosecution case is that the father-in-law of the informant Rameshwar Prasad Sinha used to reside at village Neora for agricultural purpose. Few days prior to the occurrence, on 18.08.2006 the complainant visited her father-in-law who conveyed that accused persons are threatening him. On 21.08.2006 one K.B.Rai informed the informant that her father-in-law has been killed when the informant reached village Neora and found the dead body of her father-in-law.

On conclusion of the investigation the petitioners were not sent up for trial. No obvious injury was found and highly decomposed body was subjected to the postmortem. The cause of death was not ascertained when it was suspected that victim consumed poison. The final form was accepted and subsequently on protest, order of cognizance was passed on 24.05.2015.

It is submitted by learned counsel for the petitioners that admittedly the informant is not the eye witness to the occurrence and the F.I.R was based on suspicion.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Danapur in connection with Complaint Case No. 1256(C) of 2008, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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