

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40859 of 2015

Arising Out of PS.Case No. -74 Year- 2010 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Draupadi Devi @ Drop Devi Widow of Late Kunj Bihari Singh
 2. Neelam Devi @ Nilam Kumari W/o Bibhuti Bhushan
 3. Bibhuti Bhushan Son of Late Kunj Bihari Singh All residents of Village / Mohalla - Bind, P.S. - Bind, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jagat Prasad @ Sadhu Ji Son of Late Basudeo Mahto Resident of Village - Gaus Nagar, P.S. - Sarmera, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 06-10-2015 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 74(C)/2010, registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

The father-in-law of Mani Bhushan Prasad filed a complaint case no. 360/2007 that his son-in-law was brutally assaulted and poisoned to death by his brother, mother and sister-in-law. On such complaint, Bind P.S. Case No. 52/2008 was registered. The police after investigation submitted final form finding the case false. The informant filed protest petition. After enquiry, the complaint filed by the informant was dismissed.

Thereafter, the informant filed revision petition against the order, dismissing the complaint petition bearing no. 74C/2007, but the order of dismissal of complaint petition was set aside and was remanded. On such, cognizance has been taken under Section 302 and 34 of the Indian Penal Code against the petitioners.

It is submitted that there is absolutely no evidence that the petitioners who are the brother, mother and sister-in-law of the deceased ever assaulted Mani Bhushan Prasad and killed him. The informant is so-called father-in-law of the deceased. The case filed by the daughter of the informant under Section 498A of the Indian Penal Code was quashed by the Patna High Court. Mani Bhushan Prasad was not married with the daughter of the informant.

Considering the facts aforesaid and the fact that only suspicion is made against the petitioners and police after thorough investigation submitted final form finding the case false, the protest petition was dismissed but on the remand. Learned Magistrate found prima facie case under Section 302 of the Indian Penal Code, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Complaint Case No. 74C/2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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