

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52320 of 2015

Arising Out of PS.Case No. -678 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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1. Guddu Kumar Rastogi @ Guddu Rastogi son of Dhruv Prasad Rastogi.
2. Pramod Kumar Pandey @ Pramod Pandey son of Jawahar Pandey.
3. Anil Rastogi @ Anil Kumar Rastogi @ Anil Prasad Rastogi son of
Madan Prasad Rastogi @ Madan Rastogi.
4. Madan Prasad @ Madan Rastogi @ Madan Prasad Rastogi son of Late
Kapildeo Prasad,
All residents of village Shankar Saraiya, Kalwari Tola, Police Station
Turkauliya, District East Champaran at Motihari

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Dr. Amarendra Kumar,
Mr. Ravi Shanker Pankaj, Advocates

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-11-2015 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 302 and 120B of the Indian Penal Code
registered in connection with Turkaulia P.S. Case No. 678 of 2015.

3. It is submitted that the petitioners have been falsely
implicated on mere suspicion considering that the victim, who was
caught red-handed committing theft in the house of petitioner nos. 3
and 4, had been handed over to the police at which time the victim
had only simple injury on his person as evident from the injury
report whereas the victim died in police custody two days later.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia P.S. Case No. 678 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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