

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2374 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -JHAJHA District- JAMUI

- =====
1. Dukhiya Devi @ Dakhiya Devi Wife of Sri Kushal Yadav
2. Kushal Yadav S/O Late Jagdish Yadav Both are residents of village-
Karahra,P.S-Jhajha,Distt.-Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Dr. M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 23-06-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Jhajha P.S. Case No. 74 of 2014 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Petitioners are named in the first information report
but admittedly, informant is not an eye witness of the alleged
occurrence and even if the ferdbeyan of informant assumed to be
true, then also, petitioners were not present in the vehicle of the
deceased at the time of alleged occurrence. Moreover, para 44 of
the case diary reveals that one Nitish Kumar aged about ten years
claimed himself to be eye witness of the alleged occurrence and

this witness stated that two unknown persons had opened fire on the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Shyamal Kumar, Judicial Magistrate 1st Class, Jamui in Jhajha P.S. Case No. 74 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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