

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45660 of 2014

Arising Out of PS.Case No. -274 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

- =====
1. Raj Mangal Raut Son of Late Lalu Raut @ Langar Raut.
 2. Sonapati Devi Wife of Raj Mangal Raut.
- Both resident of village- Mustafaganj, P.S.- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 07-05-2015 Heard learned counsel for the petitioners,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioners apprehend arrest in Minapur
P.S. Case No. 274 of 2014 dated 06.07.2014 instituted under
Sections 302/379/34 of the Indian Penal Code.

The allegation against the petitioners is that
initially they along with three others had abused the deceased
who is the brother of the informant and lateron it is alleged
that another co-accused Bishwanath Raut had inflicted
'Barchi' blow and further the allegation is that all the accused
had assaulted the deceased with stick. It is further alleged that
another co-accused had snatched Rs. 1900/- and one golden
chain from the person of the deceased.

Learned counsel for the petitioners submits



that they are closely related to the informant as the grandmother of the informant is the step-mother of the petitioner no. 1 and there is land dispute. It is submitted that besides having clean antecedent, the only allegation against the petitioners is initially of abuse and then assault by stick but the postmortem report does not disclose any such injury on the body of the deceased as only one incised wound has been found which is also the cause of death and attributed specifically to another co-accused. Learned counsel further submits that though the incident is alleged to have occurred on 26.06.2014 but the F.I.R. has been lodged on 06.07.2014 for which there is no explanation and since initially if serious injury was present, at least a case under Section 307 of the Indian Penal Code ought to have been instituted which has not been done and the same is also indicative of false implication.

Learned A.P.P., upon going through the case diary and learned counsel for the informant oppose the prayer for anticipatory bail. However, they do not dispute the fact that the allegation of specific blow by sharp edged weapon is against another co-accused and only wound has been found on the body of the deceased during postmortem.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon

furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Minapur P.S. Case No. 274 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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