

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37726 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -DARAUNDA District- SIWAN

- =====
1. Nitish Kumar Son of Chhotelal Prasad
 2. Mithilesh Kumar Son of Lal Babu Prasad
- Both are resident of village - Bagaura, P.S. Daraunda, District - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-09-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case is that the son of the informant Sunny Dewal was pushed in the main stream of the river by the FIR named accused persons on 06.10.2014.

It is submitted by learned counsel for the petitioners that the victim drowned on 06.10.2014 in the river. The dead body was recovered on 07.10.2014 by the police which was received by the informant and last rite was performed but

more than a month thereafter on 11.11.2014 the complaint was filed raising suspicion against the FIR named accused persons including the petitioners. The said complaint came to be registered as police case on 06.01.2015. The informant has admitted that the dead body was received by her on 07.10.2014 and cremation was done.

Considering the delayed lodging of the case, the suspicious nature of accusation and statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Siwan in connection with Darauda P.S. Case No. 04 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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