

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31393 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -AURAI District- MUZAFFARPUR

- =====
1. Arjun Rai son of late Rambriksha Rai
 2. Surya Choudhary@Suraj Choudhary Son of Bisho Choudhary
 3. Bali Rai son of Shivjee Rai All are resident of Village Rampur Ajrakwe, ps Paroo, District Muzffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 13-10-2015

Heard both sides.

Petitioners apprehend arrest in a case registered for the offences punishable under sections 302/34 of the Indian Penal Code.

The informant alleged that Sanjeevan Sahni informed him that his son was lying un-conscious near a brick kiln. Sanjeevan Sahni disclosed that Arjun Rai, Bali Rai and Suraj Chaudhary (petitioners) pressed the neck of his son.

It is submitted that the son of the informant was lying un-conscious on 14.02.2015. Informant brought his son to his house, got him treated by the doctor, who referred him to S.K.M.C.H. from where he was again referred to P.M.C.H. and

thereafter he was treated in a private hospital, namely, Jeevan Deep Hospital. Son of the informant died on 24.02.2015.

It is submitted that the informant is not an eye witness of the occurrence. The informant claimed to know about the occurrence from Sanjeevan Sahni but Sanjivan Sahni in paragraph 9 of the case diary disclosed that he informed the informant that his son was lying un-conscious. Arjun Rai, Bali Rai and Suraj Chaudhary were also there. Son of the informant had taken toddy. Sanjeevan Sahni did not disclose that he saw the petitioners strangulating Pintu Kumar Sahni, son of the informant. Sanjeevan Sahni simply stated that people were saying that petitioners Arjun Rai, Bali Rai and Suraj Chaudhary pressed the neck of Pintu Sahni.

From perusal of entire case diary, it appears that there is no eye witness of the occurrence and on hearsay, names of the petitioners have come after ten days of the occurrence.

Considering the fact that the F.I.R. was lodged after ten days of the occurrence, the petitioners above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to

the satisfaction of Mr. Javed Alam, Judicial Magistrate, 1st Class,
Muzaffarpur in connection with Aurai P.S. Case No. 28 of 2015,
subject to the conditions as laid down under section 438(2) of the
Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

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