

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36947 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -AJAMNAGAR District- KATIHAR

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1. Tunda Murmu
 2. Saila Murmu @ Sanjhla Murmu
 3. Fuchwa Murmu
- All Sons of Sagra Murmu @ Sangram Murmu, Resident of Village - Durga Bhita, P.S. - Azamnagar, District- Katihar.
4. Movia @ Mofiz @ Md. Mobinuddin Son of Late Jahiruddin
 5. Sah Alam @ Md. Shahbuddin Son of Late Hafiuzuddin
 6. Janardan @ Janardan Prasad Sah Son of Late Mahendra Sah
- Petitioner Nos. 4 to 6 are resident of village - Dhoomnagar, P.S. - Alam Nagar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate.

For the Opposite Party/s: Mr. Sadanand Paswan (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 149, 341, 342, 323, 324, 354, 504 Indian Penal Code and Section 3(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court would find that these petitioners, who have got no criminal antecedent, have plausible defence that they have been implicated only because an earlier case was lodged by them

against the husband of the informant and four other persons of the present case.

That being so, if the petitioner nos. 1 to 6, namely, **Tunda Murmu, Saila Murmu @ Sanjhla Murmu, Fuchwa Murmu, Movia @ Mofiz @ Md. Mobinuddin, Sah Alam @ Md. Shahbuddin and Janardan @ Janardan Prasad Sah** respectively surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Azam Nagar P.S. Case No. 30 of 2014 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit



that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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