

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19143 of 2015

Arising Out of PS.Case No. -322 Year- 2014 Thana -SUPAUL District- SUPAUL

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1. Rozeet Daphali @ Md. Rojid, son of Late Habib Dafali,
 2. Sonia Parveen D/o- Chhedi Dafali @ Sahid Dafali @ Md. Sahid. Both are resident of Village- Islampur, Ward No. 18, P.S & District- Supaul.
 3. Md. Razi, son of Md. Mahfooj, Resident of village- Islamnagar, Ward No. 27, P.S & District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 23-09-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 302/201/120(B) of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Case diary has been called for in this case which has since been received.

Learned counsel for the petitioners submits that though the petitioners are named in the First Information Report stating that they had called the son of this informant for performing some electric repair work. The informant's son did not return back and subsequently after two days, the dead-body of the informant's son was found in the Pokhar. It is submitted that only because of the said reason, it was suspected that these petitioners have killed the

son of the informant. Admittedly, there are no eye-witnesses to the occurrence and the allegation has been made against these petitioners out of mere suspicion.

Learned counsel for the State however, points out to paragraph No. 41 of the case diary where an independent witness has stated that the son of the informant (deceased) was having an affair with petitioner No. 2 (Sonia Praveen) herein.

However, after considering statement made by the said witness, it appears rather improbable as the petitioner No. 2 has been recently married and the said allegation may be just a conjecture.

Considering the aforementioned fact and circumstances and also the fact that these petitioners have no criminal antecedent, let the petitioners, in the event of their arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 322 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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