

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26171 of 2015

Arising Out of PS.Case No. -121 Year- 2012 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Bhupendra Dubey @ Bhupendra Pandey Son of Chandrika Pandey
Resident of village - Bankatwa, P.S. Paharpur, District - East Champaran
2. Rakesh Dubey Son of Late Mahanth Dubey Resident of village -
Radhiya, P.S. Gobindganj, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-09-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 328 and 302 of the Indian Penal Code.

It is alleged by the informant, Sumitra Kuar, that
her son Alok Kumar Dubey had worked as a tractor driver of her
co-villager Dasrath Pandey for last three years but his wages was
not paid by Dasrath Pandey so on several occasions a nuisance
was taken place and the son of the informant had told that he will
not work with him as his tractor driver. Then Dasrath Pandey gave
him threatening that he will kill within 2-3 days. It is further
alleged that her son was murdered by administering poison in his
food and his dead body was kept at about 1 A.M. at the
informant's door. At about 1.20 A.M. when Vinod Kumar Dubey
went to natural call then he saw that his brother has been fallen
dead. Then he shouted on which the family members arrived and
saw his dead body.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is not named in the FIR. No incriminating article has been recovered from conscious possession of the petitioner. Though it is a case of poisoning but para 61 of the case diary shows that in course of Forensic Science Laboratory Examination no such substance has been found.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR and the name of the petitioner has come in course of investigation.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released 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 learned C.J.M., Motihari, East Champaran in connection with Pharpur P.S.Case no. 121/2012, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

singh/-

U		T	
---	--	---	--