

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24098 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. Umesh Kumar Jaiswal
2. Bhagnarain Jaiswal, both S/o Harihar Prasad Chaudhary, both Resident
of Village- Virahima, Kathauliya, P.S.- Baruraj, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey
For the Opposite Party/s : Mr. Renu Kumari (App)
For the informant : Mr. Surendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-09-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
registered under sections 302, 341, 120(B) of the Indian Penal Code.

According to the first information report the informant's
husband runs a kabari shop and she talked with him on mobile at 9 P.M.
and again on 9.15 P.M. Thereafter she received a call that her husband has
met with an accident. She along with relatives arrived at the shop. The shop
was opened and motorcycle was parked. Thereafter she heard that a dead
body is lying on the railway track. She rushed there and saw the dead body
of her husband. The alleged that the petitioners have killed her husband by
stabbing him.

On behalf of the petitioners, it is submitted that the
petitioners have got no criminal antecedent. So far as the allegation is
concerned, there is only suspicion raised against the petitioners for

committing murder of the deceased. There is no eye witness to the occurrence nor there any circumstantial evidence to suggest the implication of the petitioners in the instant case.

On behalf of the State and the counsel for the informant submitted that there is strong motive against the petitioners as there was outstanding loan of Rs. 10,00000/- between the parties and that is the reason the deceased has been drone to death by the petitioners.

Considering the aforesaid facts and the circumstances, I am not inclined to grant bail to the petitioners. The same is rejected in Kanti P.S. Case No. 78 of 2015. However, if the petitioners surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order their case shall be considered on its own merit without being prejudiced by this order and taking into account the submissions advanced on behalf of the petitioners.

(Sudhir Singh, J)

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