

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33321 of 2015

Arising Out of PS.Case No. -617 Year- 2014 Thana -NAUBATPUR District- PATNA

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1. Binod Kumar Son of Mithilesh Rai
 2. Rajeev Kumar @ Pramod Kumar Son of Mithilesh Rai
 3. Subodh Kumar @ Chulu Son of Mithilesh Rai
 4. Mithilesh Rai @ Mithilesh Kumar @ Mithlesh Prasad Yadav Son of Late Jamun Rai
 5. Sanjeet Kumar @ Golu Son of Jailal Rai
 6. Jay Lal Rai Son of Jamun Rai All are residents of village - Birpur, P.S. - Naubatipur, Dist.-Patna
 7. Umesh Kumar Son Madan Rai Resident of Anishabad, P.S.-Gardanibagh, Dist.-Patna

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 29-10-2015 Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in a case under Section 302/34 of the Indian Penal Code and under section 27 of the Arms Act.

The informant, wife of deceased, made allegation that while her husband was returning somebody shot him dead.

It is submitted that the informant is not an eye witness of the occurrence. The informant and all her family members have simply stated that the petitioners were on inimical terms and they must have killed her husband. They earlier

threatened her husband to kill.

Learned Additional Public Prosecutor as well as the learned counsel for the informant, however, vehemently opposed the prayer for anticipatory bail but very candidly submitted that there is no eye witness of the occurrence and the petitioners had enmity with the deceased.

Considering the facts aforesaid and the fact that nobody has seen the petitioners committing the murder of the deceased and on suspicion, on account of previous enmity, the name of petitioners have been mentioned in the FIR, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Danapur, Patna in Naubatpur P.S. Case No. 617 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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