

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55901 of 2015

Arising Out of PS.Case No. -20 Year- 2004 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

1. Balram Chaudhary S/o Sri Maheshwar Chaudhary
2. Dayaram Chaudhary S/o Late Mahavir Chaudhary
Both Resident of village- Moujamabad, P.S. Bhawanipur (Narayanpur),
District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma
For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-12-2015 Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 328 and 302/34 of the Indian Penal Code.

The prosecution case is that the dead body
of the nephew of the informant namely, Bimal Kumar
Chaudhary was recovered when suspicion was raised against the
petitioners and others. The petitioners were named in the FIR but

on conclusion of investigation the petitioners were not sent up for trial and subsequently final form was accepted. Now the petitioners have been summoned in exercise of jurisdiction under Section 319 of the Cr.P.C. on 09.06.2015 on the basis of evidence led in the trial of the co-accused.

It is submitted by learned counsel for the petitioners that the petitioners were not sent up for trial and the learned Sessions Judge has not deliberated the evidence which persuaded the learned trial court to summon the petitioners in exercise of jurisdiction under Section 319 of the Cr.P.C. The petitioners undertake to appear before the learned court below regularly.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Bhagalpur in connection with Sessions Trial No. 40 of 2011 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 20 of 2004, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned trial court will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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