

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43966 of 2015

Arising Out of PS.Case No. -282 Year- 2013 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Ramji Mukhiya S/o Late Amerika Mukhiya
2. Pannalal Mukhiya S/o Late Amerika Mukhiya All Resident of Village-
Kaulapur, P.S.- Jogapatti (Nawalpur), District- West Champaran.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 13-10-2015 Heard the Counsel for the petitioners and Mr. Dayal, APP
for the State.

Two petitioners are full brothers and apprehend their arrest
in connection with Bairiya P.S. Case No. 282 of 2013 registered
under Sections 302/34 of the Indian Penal Code.

The informant alleged that while sleeping at the dead of
night, he heard the sound only to find four persons escaping from
the house. He claimed to have identified these petitioners amongst
them. The accused persons had committed murder of his brother.
The Police upon investigation did not send them up. Some other
accused persons were sent up. The Court differing with the final
report has taken cognizance and hence the apprehension.

It has been submitted that earlier to this, the petitioner no. 2

had lodged a case against the agnates of the present informant for having committed murder of his sister for which F.I.R. under Section 304B was lodged. To take revenge, the petitioners have been purposely named in the First Information Report. They have no criminal antecedent.

Mr. Dayal, APP for the State has, however, opposed the prayer for bail.

Considering the fact that the investigating agency exonerated the petitioners in investigation as also a kind of litigation going between the parties, I am persuaded to privilege them on anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory 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 Chief Judicial Magistrate, West Champaran at Bettiah in Bairiya P.S. Case No. 282 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear

in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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