

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.861 of 2015

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1. Devan Sharma Son of Uttim Sharma Resident of Village-Naya Nagar,
P.S.-Uda Kishunganj, District-Madhepura.
 2. Pawan Sharma Son of Uttim Sharma Resident of Village-Naya Nagar,
P.S.-Uda Kishunganj, District-Madhepura.
 3. Ganeshi Sharma Son of Late Mangan Sharma Resident of Village-
Tindhara, P.S.-Sonbarsa, District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar-1

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 29-07-2015

This matter has been listed before this Court
in view of the minutes of the Hon'ble the Chief Justice dated
08.05.2015 at Flag 'A'.

Heard learned counsels for the petitioners
and the State.

The petitioners are languishing in custody
since 18.08.2014, 12.09.2014 and 08.07.2014 in a case registered
for the offences punishable under Sections 302 and 201/34 of the

Indian Penal Code.

The prosecution case is that the mother of the informant on 06.07.2014 at 6.00 P.M. left the house for collecting money from Fulo Sharma and Kulo Sharma but she did not return. Subsequently, the dead body of the mother of the informant was recovered. Subsequently the sister of the informant Fulo Devi and one Rekha Devi suggested that the victim was being dragged by the petitioners and Uttim Sharma.

It is submitted by learned counsel for the petitioners that the first information report has been lodged by the son of the victim, who has specifically stated that he enquired from his sister Fulo Devi and Amrita about the whereabouts of the mother and both of them failed to give any reasonable explanation then the FIR was lodged. Hence, the subsequent statement of Fulu Devi appears to be a subsequent development at the hands of the prosecution. It is further submitted that in the background of land dispute since the petitioners are agnates of the informant only on suspicion the accusation has been levelled.

Considering the fact that the FIR suggests only suspicion against the petitioners and subsequent statement of Fulo Devi and Rekha Devi appears to be subsequent development, let the above named petitioners, be released on bail on furnishing

bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Udakishunganj P.S. Case No. 71 of 2014.

(Dinesh Kumar Singh, J)

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