

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14786 of 2015

Arising Out of PS.Case No. -86 Year- 2009 Thana -SHAMBHUGANJ District- BANKA

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1. Deepak Kumar Mishra Son of Mohni Prasad Mishra
 2. Bishundeo Mishra @ Vishnu Deo Mishra Son of Late Bateshwar Prasad Mishra
 3. Gaura Mishra @ Gaurav Kumar Mishra Son of Bishundeo Mishra
 4. Niranjana Kumar Mishra son of Parmanand Mishra
- All resident of village - Mahadeopur Goyra, (Lakhanpur), P.S. Shambhuganj, District - Banka
5. Guddu Pathak @ Vimlendu Pathak Son of Uday Bhanu Pathak resident of Mohalla - Laldarwaza, P.S. Kotwali, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-04-2015

Heard learned counsel for the petitioners and the State.

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

It is alleged that the informant's mother was found killed at the village home leading to registration of First Information Report against Ajay Tiwari and Sanjeev Tiwari. Subsequently, the informant lodged a complaint also raising suspicion against these petitioners. The petitioners were not sent up for trial. During trial five

witnesses were examined and the learned trial court vide order dated 12.02.2015 summoned these petitioners.

It is submitted by the learned counsel for the petitioners that some of the witnesses to the First Information Report during trial have given a go-by to initial prosecution case as enumerated in the First Information Report.

Considering the fact that the case was registered in 2009 and now in 2015 the petitioners have been summoned in exercise of jurisdiction under Section 319 Cr.P.C. and the impugned order does not reflect the discussion of the evidence which persuaded the learned trial court to summon the petitioners, let the above named petitioners be released on 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 A.D.J.-VI, Banka in connection with Shambhuganj P.S. Case No. 86 of 2009, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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