

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39097 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -RANIGANJ District- ARRARIA

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1. Rajesh Kumar Mukhiya @ Rajesh Mukhiya, S/o Ramdeo Mukhiya,
 2. Balram Mukhiya, S/o Shukhdeo Mukhiya,
 3. Sahdeo Mukhiya @ Sahadev Mukhia, S/o Kokai Mukhiya,
 4. Sanjay Mukhiya, S/o Kishundeo Mukhiya, All are residents of Barbanna, P.S. - Raniganj, District - Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advcoate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Raniganj P.S. Case No. 98 of 2015, disclosing offences under Sections 147, 148, 149 and 302 of the Indian Penal Code.

As per the prosecution case, informant is the wife of one Prabhajan Yadav. On hearing an information that her husband was being assaulted by residents of Mukhiya Tola, Barbanna, she rest to that place and learnt that her husband Prabhajan Yadav has killed one Hardeo Mukhiya and in retaliation the residents of said Mukhiya Tola including the petitioners had

assaulted her husband, leading to her death.

Learned counsel appearing on behalf of the petitioners, referring to the First Information Report contends that even if the allegation is taken to be true, based on statement of her witnesses, no case under Section 302 of the Indian Penal Code is made out against these petitioners. It has been stated that the petitioners have no criminal antecedent.

In view of the manner in which the occurrence alleged to have taken place and the nature of implication of these petitioners, as alleged in the First Information Report, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No.98 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to

appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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