

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49699 of 2015

Arising Out of PS.Case No. -182 Year- 2008 Thana -BISFI District- MADHUBANI

- =====
1. Ranjeet Chaudhary @ Dakbabu Son of Late Surendra Chaudhary
 2. Shailendra Jha Sons of Jay Shanker Jha
 3. Mohan Chaudhary @ Harsh Mohan Chaudhary Son of Scahchidanand Chaudhary
 4. Bablu Jha Son of Brij Kumar Jha
- All Resident of Village-Baraha, P.S.-Bisfi (Patauna), District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Most. Laxminia Devi Wife of Late Jagadish Chaupal Resident of Village-Baraha, P.S.-Bisfi (Patauna), District-Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-11-2015

Heard learned counsels for the petitioners and the State.

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

conclusion of the investigation the petitioners were not sent up for trial but differing with the final form cognizance has been taken under section 306 of the Indian Penal Code.

The FIR was lodged against the petitioners and others alleging therein on suspicion that the informant's son committed theft of pumping set and he was being killed as he went traceless and subsequently the dead body of the son of the informant was recovered.

It is submitted by learned counsel for the petitioners that on suspicion the accusation has been levelled and the petitioners were not sent up for trial but differing with the final form cognizance was taken under Section 306 of the IPC. Though, some of the witnesses have suggested that the victim was administered poison by the accused persons but the contradictory evidence we also collected during investigation that the victim has consumed poison.

Considering the suspicious nature of accusation and the petitioners were not sent up for trial, 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 Sub-divisional
Judicial Magistrate, Madhubani in connection with Bisfi
(Patauna) P.S. Case No. 182 of 2008, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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