

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37522 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -PIYAR District- MUZAFFARPUR

- =====
1. Santosh Thakur son of Late Subhansh Thakur
 2. Nutan Devi wife of Santosh Thakur, both resident of Nunfara, Police Station- Piar, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary -1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-11-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Section 302 and other minor sections of the Indian Penal Code and Section 27 of the Arms Act.

The present case was lodged against Amresh Thakur, Shyam Sahni, brother of Amresh Thakur and sister in law (*Bhojai*) of aforesaid Amresh Thakur as well as three to four unknown persons. Petitioner no. 1 happens to be brother whereas petitioner no. 2 happens to be sister in law (*Bhojai*) of Amresh Thakur. The accusation is that aforesaid Amresh Thakur as well as Shyam Sahni having entered into the house of the informant made attempt



to kidnap the informant's daughter. However, due to heavy protest they could not succeed in their attempt and in that course, they mercilessly assaulted the inmates of the house and took away informant's husband as well as her brother in law. Subsequently, husband of the informant was found in injured condition whereas dead body of informant's brother in law was recovered.

At para-13 of the case diary, the statement of informant's daughter has been recorded and she specifically stated that it was one Munna, who shot fire on the deceased at the direction of F.I.R. named accused, Amresh Thakur and so far as petitioners are concerned, they were standing there having a bag in their hands and furthermore, they were pressurizing her to have entered into marriage with Amresh Thakur. The statement of informant's husband has been recorded at para-21 of the case diary and in his statement, he has repeated almost same statement which has been made by the informant's daughter.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind that no specific overt-act has been attributed against the petitioners, who are languishing in jail custody since 12.02.2016 and investigation against them has already been completed, let the 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 Sub Judge 8th cum Additional Chief Judicial Magistrate, Muzaffarpur in connection with Piar P.S. Case No. 18 of 2016.

(Hemant Kumar Srivastava, J)

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