

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52838 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -BAKHRI District- BEGUSARAI

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1. Ghuran Mukhiya, son of Ramautar Mukhiya
2. Kari Mukhiya
3. Bhulla Mukhiya @ Bhullu Mukhiya.
Both sons of Ghuran Mukhiya
All are residents of village- Bahorechak, Police Station- Bakhri, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arbind Kumar Sharma, Advocate
For the State : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 12-02-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case filed under Sections 302, 201/34 of the Indian Penal Code.

It is contended that it would be apparent from the first information report that names of the petitioners have been taken only on the basis of suspicion as the informant is not an eye-witness. It is further contended that there is no eye-witness of the occurrence and there is no material collected during the investigation which connects the petitioners with the alleged occurrence.

Learned counsel appearing for the State submits

that one Jawahar Mukhya who happens to be the brother of the deceased has supported the prosecution case, however, he also does not appear to be an eye-witness.

Learned counsel for the petitioner submits that the allegation made in the F.I.R. is based on the suspicion in view of the dispute between the parties. It is contended that suspicion however may be strong but that cannot take place of evidence and on that basis a person cannot be forced to suffer incarceration.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Bakhri P.S. Case No.150/2015, the above named petitioners, Ghuran Mukhiya, Kari Mukhiya and Bhulla Mukhiya @ Bhullu Mukhiya shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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