

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11326 of 2016

Arising Out of PS.Case No. -1111 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Tinku @ Tinku Kumar
 2. Bhim @ Bhim Kumar, both S/o- shyamdhani
 3. Rinki @ Rinki Kumar, S/o- Shyamdhani
 4. Shyamdhani @ Shyamdhani Rajak, son of Ram Bilash Rajak
 5. Md. Nasim @ Nasim, son of Md. Amin
 6. Vicky @ Vicky Kumar, son of Anup Kumar, all resident of Devi
Asthan, Khajoorbanna, P.S. – Sultanganj, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Md. Shamiullah, son of Late Md. Rasidullah, resident of Mohalla-
Khajurbanna, Pipal Tal, P.S. – Sultanganj, District – Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.1111 of 2012 for the offences instituted under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 6.8.2010 at about 203 p.m. when Banti @ Jahangirullah was taking his meal in the meanwhile Tinku, Rinki, Bhim and Md. Nasim came on two wheelers and called him and after taking copy of sum he went with the accused persons and on the same day at about 6.30 p.m.,



one boy namely Gabbar came and said that Banti has met with an accident and the informant as well as his family members went to P.M.C.H. had found that her son died and the reason was that Banti @ Jahangirullah was a good car penter and accused Shyamdhani had proposed him for partnership and a sum of Rs. One lakh was invested in the partnership and it was given to Shyamdhani before his three sons and receiving was given and when the demand of Rs. Two lacs was made by Banti including profit, labour charge and capital and then Banti was murdered by the accused persons with dagger and iron rod.

It is submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. On 6.8.2010, One Anil Sharma, Vide Annexure-3, an informatory petition was filed before Gram Panchayat, Gadai Sarai regarding the death of the deceased due to accident. Subsequently, by father of the deceased, a F.I.R. was instituted in respect of the death of the deceased where the only four petitioners were made accused. After investigation, police submitted a final form in this case. Further a F.I.R., i.e., Hajipur Sadar P.S. Case No.342 of 2010 was also instituted by accused Tinku Kumar, in this F.I.R., police also submitted final form vide Annexure-4 to the present application. The case proceeded on the basis of a protest petition. The said

protest-cum-complaint was also dismissed under Section 203 Cr.P.C. Later on, the revisional Court had set aside the order passed under Section 203 Cr.P.C. and remitted back the matter to the court below and the court below subsequently issued process against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the protest-cum-complaint.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Patna City, in connection with Complaint Case No.1111 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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