

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12349 of 2016**

Arising Out of PS.Case No. -62 Year- 2014 Thana -ISMILEPUR District- BHAGALPUR

1. Pappu Harijan  
2. Bablu Hrijan @ Dablu Harijan  
3. Debo Harijan All are Sons of Late Radhe Harijan, Resident of Village-  
Naya Tola, P.S. Ismilepur, District- Bhagalpur.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party : Ms. Madhuri Lata(App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      24-06-2016      Heard both sides.

The petitioners apprehend their arrest in Ismilepur P.S.  
Case No. 62 of 2014 registered for the offences punishable under  
Sections 364 and 34 of the Indian Penal Code.

Birkhi Devi mother of the victim boy filed a complaint  
on 13.09.2013 alleging therein that her son went to market on  
25.08.2013, but he did not return. She further stated that Salo Sah  
informed her that her son was going along with the petitioners on  
25.08.2013.

It is submitted that the occurrence is said to have taken  
place on 25.08.2013, but the informant filed the complaint petition  
on 13.09.2013. The petitioner no. 2 Bablu Harijan @ Dablu

Harijan also lodged an FIR on 28.08.2013 against Vijay Mahaldar and others and alleged that they killed his father Radhe Ram. The wife of Radhe Ram also lodged a case against Vijay Mahaldar and others under Sections 147, 148, 323, 379, 427, 447 and 34 of the Indian Penal Code and under Sections 3(i)(x) of the SC/ST Act for looting the crops.

It is submitted that on account of the fact that the husband of the informant is an accused in murder case of the father of the petitioners and this case has been lodged to put pressure on the petitioners, so that they may not depose. It is further submitted that during the course of investigation, the witnesses have given a different story that son of the informant consumed poison and his family members have thrown the dead body in the river. The police did not take the statement of Salo Sah who is said to have died much prior to the occurrence.

It appears that the informant got information from Salo Sah, but the police did not take the statement of Salo Sah and it is reported that he died much prior to the occurrence. The husband of the informant and others are accused in murder of father of the petitioners and thereafter, this case was lodged on the basis of a complaint filed by the informant that too after three weeks of the occurrence.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional learned Chief Judicial Magistrate II, Naugachia, Bhagalpur in Ismilepur P.S. Case No. 62 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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