

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14979 of 2016

Arising Out of PS.Case No. -400 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Hari Narain Singh @ Bhola @ Bhola Singh Son of Late Jainarain Singh
2. Nirmala Devi Wife of Harinarain Singh @ Bhola Both are resident of
village - Dumaria Bujurg, P.S. Parbatta, District - Khagaria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dipak Kumar, Advocate.

For the Opposite Party : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-07-2016 Heard both sides.

The petitioners apprehend their arrest in Madhubani Town P.S. Case No. 400 of 2015 registered for the offences punishable under Sections 364 and 34 of the Indian Penal Code. Later on, Sections 302 and 201 of the Indian Penal Code were added.

The informant alleged that Shyamnandan Singh @ Tinku Singh took his father on a scooty, but his father did not return. The informant further alleged that his father had advanced money to Hari Narain Singh @ Bhola @ Bhola Singh, petitioner no. 1 for purchasing land, but the petitioner no. 1 did not execute the sale deed. Shyamnandan Singh @ Tinku Singh, son of

petitioner no. 1 executed the sale deed in the name of mother of the informant, thereafter, there was litigation between the petitioner no. 1 and his son Shyamnandan Singh @ Tinku Singh. The informant suspected that the petitioners who are husband and wife conspired with their son Shyamnandan Singh @ Tinku Singh to kill Rajesh Choudhary, the father of the informant.

It is submitted that save and except suspicion there is no material against the petitioners. Nobody has seen that the informant was going along with the petitioner no. 1. The dead body of the deceased was found within the jurisdiction of the Samastipur district and Chowkidar lodged the case against unknown. Except suspicion there is absolutely no material against the petitioners.

The learned APP however opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioner no. 1 had taken money from the deceased for executing the sale deed.

Having considered the facts that name of the petitioners who are husband and wife mentioned in the FIR on mere suspicion and during the investigation no tangible material is collected against them, 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 Chief Judicial Magistrate, Madhubani in Madhubani Town P.S. Case No. 400 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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