

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16378 of 2016

Arising Out of PS.Case No. -230 Year- 2015 Thana -BAHERI District- DARBHANGA

- =====
1. Santosh Yadav son of Kamlesh Yadav alias Dhina Yadav aged about 30 years, Resident of Village Jorja, P.S.- Baheri, District- Darbhanga.
 2. Shibo Devi wife of Santosh Yadav, aged about 27 years, resident of Village- Jorja, P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 04-07-2016 Heard both sides.

The petitioners apprehend their arrest in Baheri P.S.
Case No. 230/2015, registered for the offence punishable under
Sections 302, 201, 34 of the Indian Penal Code.

The informant alleged that his son was missing since
04.11.2015. The dead body of the son of informant was recovered
two days after the occurrence.

Learned counsel for the petitioners submit that there is
absolutely no evidence against the petitioners save and except
suspicion.

The mother of the deceased boy made her statement in
para 47 of the case diary that on 06.11.2015 she came to know

from Sunita Devi that she (Sunita Devi) saw petitioner no. 2 Shibo Devi putting something in the drainage.

It appears that Sunita Devi made her statement after three months of the occurrence, although she claimed herself to be the eye-witness of the fact that Shibo Devi was putting something in the drainage, but she did not disclose this fact earlier and not made her statement before the police.

Considering the facts aforesaid and the fact that save and except suspicion there appears no tangible evidence, 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, Darbhanga in connection with Baheri P.S. Case No. 230/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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