

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30359 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

1. Doman Prasad, S/o Late Babu Ram Yadav.
2. Ratan Yadav @ Ram Ratan Prasad, S/o Sri Ganauri Yadav. Both
resident of village- Badalpur, P.S. Telhara, District-Nalanda

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Rakesh Kumar Samrendra, Advocate.
For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016 Heard learned counsels for the petitioners, informant
and learned counsel for the State.

The petitioners are languishing in custody since
19.03.2016 and 07.04.2016 respectively in connection with
Telhara P.S. Case No. 01 of 2016 for the offences instituted under
Sections 302, 354(B) of the IPC. Later on, Section 304(B) of the
IPC was also added.

The prosecution story, in brief, is that on 07.01.2016 at
about 7.30 A.M., the informant heard hulla and saw that his son
Sonu Kumar and one Sudhir Kumar were carrying his daughter-in-
law Sudha Devi who died in midway. The grand-son of the
informant, namely, Ganesh Kumar and Adishnu Raj narrated that

one Ramadhin Prasad @ Bachu Prasad attempted to commit rape of his daughter-in-law Sudha Devi but could not succeed. Ramadhin Prasad killed Sudha Devi by pressing her neck.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.03.2016 and 07.04.2016 respectively and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. They have got no criminal antecedent. They are not named in the F.I.R. Earlier the case was instituted for the offence under Sections 302 and 354(B) of the IPC. Later on, charge sheet was submitted under Section 304(B)/34 of the IPC against the husband of the deceased, the father-in-law of the deceased and the petitioners. The petitioners are not the family members of the deceased. The mother and the father of the deceased in their 164 Cr. P.C. statement they have not named the petitioners.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioners are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 J.M. Ist Class,
Hilsa, Nalanda, in connection with Telhara P.S. Case No. 01 of
2016.

It is further directed that the petitioners shall be
physically present on each and every date fixed by the court
below. If the petitioners fail to do so, the court below shall be at
liberty to cancel the bail of the petitioners.

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(Sudhir Singh, J)