

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26893 of 2016

Arising out of PS.Case No. -17 Year- 2016 Thana -BHAIRABASHTHAN District- MADHUBANI

1. Harishchandra Mandal @ Hari Chandra Mandal. Son of Rameshwar Mandal, resident of Village- Shuklarahi, P.S.- Bhairav Asthan, District- Madhubani, at present resident of Mohalla- Naya Tola Ghera Kumhrar, P.S- Agamkuan, District- Patna.
2. Surayadeo Mandal @ Shivdeo Mandal, son of Rameshwar Mandal, resident of Village- Shuklarahi, P.S- Bhairav Asthan, District- Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Vinay Ranjan, Advocate.

For the Opposite Party : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2016 Heard learned counsel for the petitioners, informant and
learned counsel for the State.

The petitioners are languishing in custody since 15.03.2016 in connection with Bhairav Asthan P.S. Case No. 17 of 2016 for the offences instituted under Sections 302 and 201 of the IPC.

The prosecution story, in brief, is that on 07.02.2016 the informant's son went to visit local fair but he could not return his home. On 09.02.2016 the dead body of the informant's son was lying in the potato field of one Munsii Yadav.

It has been submitted on behalf of the petitioners that the

petitioners are in custody since 15.03.2016 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 FIR. Subsequently, in course of investigation, the informant has named the petitioners with an intention to falsely implicate them. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioners.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioners are not named in the F.I.R.

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 A.C.J.M., Jhanjharpur, Madhubani, in connection with Bhairav Asthan P.S. Case No. 17 of 2016.

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(Sudhir Singh, J)