

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27133 of 2016

Arising Out of PS.Case No. -19 Year- 2011 Thana -SHAMBHUGANJ District- BANKA

Bandana Devi W/o Pappu Mandal Resident of village - Kehnichak, Police
Station - Shambhuganj, District - Banka.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.27158 of 2016

Arising Out of PS.Case No. -19 Year- 2011 Thana -SHAMBHUGANJ District- BANKA

Subhash Mandal S/o Sri Puran Mandal Resident of Village-Kehnichak
,Police Station - Shambhuganj,District-Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.27133 of 2016)

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Panchanand Pandit

(In Cr.Misc. No.27158 of 2016)

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 05-07-2016 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 302, 201/34 of the Indian Penal Code.

Prosecution case is that on 13.2.2011 at 8:30 AM the cousin brother of the informant, namely, Hari Yadav went to irrigate the field and saw the dead body floating in a well. Subsequently, the police was informed and unidentified dead body

was recovered, which was found to be killed by strangulation leading to registration of the F.I.R. against unknown.

After conclusion of investigation the petitioners were not sent up for trial but differing with the final form cognizance has been taken by the learned Chief Judicial Magistrate, Banka by the order dated 24.5.2016.

It is submitted by the learned counsel for the petitioners that the impugned order does not suggest any material which persuades the learned Chief Judicial Magistrate to differ with final form and take cognizance against the petitioners. Statement has been made in paragraph 3 of the application that the petitioners have no criminal antecedent.

Considering the fact that the F.I.R. was lodged against unknown and the petitioners were not sent up for trial, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, 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 Chief Judicial Magistrate, Banka in Shambhuganj P.S.Case No. 19/2011, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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