

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15353 of 2016**

Arising Out of PS.Case No. -3080 Year- 2008 Thana -MUZFFARPUR COMPLAINT CASE  
District- MUZAFFARPUR

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1. Vidyanand Thakur son of Kailash Prasad Thakur  
2. Ashwini Kumar @ Ashwini Kumar Thakur son of Surendra Prasad Thakur  
Both resident of village Ghosrama PS Piar Dist. Muzaffarpur

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s Mr. Sanjay Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

02/ 12.04.2016

This petition is taken up for hearing out of turn as father of petitioner no.1 died on 10.4.2016.

Supplementary affidavit is filed on behalf of the petitioners.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners seek bail in a case registered under section 302/34 of the Indian Penal Code.

Petitioners are named in the first information report but submission on behalf of the petitioners is that earlier petitioners were granted privilege of anticipatory bail by a coordinate bench of this court vide order dated 16.07.2015 passed in Cr. Misc. no.49528/2014 but subsequently, order of anticipatory bail was cancelled by the same bench on the ground that the petitioners had suppressed their criminal antecedent.

Moreover, petitioners challenged cancellation of bail before

the Apex court but could not succeed and subsequently, they surrendered before the court below. It is further submitted by him that police, after due investigation, found accusation untrue and accordingly, submitted final form but the concerned court proceeded on protest petition treating it as complaint case and took cognizance for the offence.

It is also pointed out on behalf of the petitioners that having more or less similar allegation one co-accused Sachidanand Thakur @ Sachidanand Thakur has already been granted privilege of bail by this court.

From perusal of the impugned order, I find that the learned Sessions Judge has not mentioned in the impugned order about any specific role played by the petitioners and it would appear from the impugned order that only informant claims to have seen the petitioners and other FIR named accused fleeing from the place of occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Sri Sukan Kumar Manjhi, Judicial Magistrate, Ist Class, Muzaffarpur in Complaint case no. 3080/2008 corresponding to Trial no. 4046/2015 arising out of Piar P.S. Case no. 142/2004.

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(Hemant Kumar Srivastava,J)

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