

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23412 of 2016

Arising Out of PS.Case No. -134 Year- 2012 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. SUNIL KUMAR @ SUNIL KUMAR PRASAD Son of Late
Ramswarup Prasad
2. Anil Kumar Son of Late Ramswarup Prasad resident of village -
Pataura, P.S. Muffasil, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr.Advocate
Mr.Ashish Giri, Advocate
Mr. Pranav Kumar, Advocate
For the State : Mr. Pancha Nand Pandit, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 27-07-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection
with East Champaran Muffasil P.S.Case No. 134/2012 registered
for offence punishable under Sections 302, 201, 34 of the Indian
Penal Code.

The prosecution case, in brief, is that on 24.04.2012
the son of the informant went to his shop at around 9 P.M. to
sleeping. In the morning at around 5 A.M. the informant got
information through villagers that the dead body of his son had
been seen in the wheat field which was 80 to 90 feet away from



his shop. Upon such information the informant and his family members reached there and found that the shop was locked and the dead body of his son was lying in the wheat field. It is also alleged that a few days back some people came to the informant's house and asked him to sell his property but the informant refused to sell, upon which these people allegedly threatened the informant with dire consequences and further threatened to 'destroy' the informant.

It has been submitted by the learned counsel for the petitioner that the petitioners are innocent and have been falsely implicated in the aforesaid offence.

It is further submitted that these petitioners after investigation, were not sent up for trial but because cognizance has been taken against them and thus bail application have been rejected by the learned Court below. It has further been submitted that the petitioners have been made accused only on the basis of suspicion and there is no eye witness to the alleged occurrence. He further submits that just because there was land dispute between them they have been implicated.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, since petitioners were not sent up for trial and in para-3 of the case diary postmortem report does not specify the cause of death, there was no injury mark and the vicera report also does not specify the cause of death and on the basis of suspicion, the petitioners have been made accused, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with East Champaran Muffasil P.S. Case No. 134/2012 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

However, since the petitioners do not have clean antecedents, it is directed that the petitioners will appear before the Police/Court as and when required and on failure on two consecutive dates without any reason, will entail cancellation of their bail bonds by the learned court below without being prejudiced with this order.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--