

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5518 of 2016

Arising Out of PS.Case No. -20 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

1. Sujit Kumar
2. Ajit Kumar @ Ajit Prasad Both sons of Late Meghnath Yadav resident of village - Chak Johara, P.S. Dhanarua, District - Patna
..... Petitioner/s

Versus

1. The State of Bihar
2. Nagendra Prasad Son of Sri Chandra Deep Yadav resident of village - Chak Johara, P.S. Dhanarua, District - Patna
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanhaya Singh, Sr. Advocate
For the Opposite Party/s : Mr. S.R. Haque
Mr. Nawal Kishores Prasad
For the State Mr. A.Ali Khan (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 05-07-2016 Heard learned counsel for the petitioner, Opposite party
No. 2 as also learned counsel for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 20(C) of 2014 registered for the offences punishable under Sections 365, 302/34 the Indian Penal Code.

Learned Sr. Counsel for the petitioners submits that there are clear discrepancies in the first information report as well as the post-mortem report and also the protest petition lodged by the father of the deceased. It is further submitted that actually the present petitioner had already been admitted in the PMCH, Patna with severe chest and head injury and was being treated for the same with effect from 25.08.2012. Considering such aspect, the

final form was submitted but on the basis of the protest petition the petitioner is presently facing prosecution.

Having heard learned counsel for the parties and on noticing the serious discrepancies in the date and time of occurrence which does not stand corroborated by other evidence and documents, which have been annexed and are also part of the case dairy, let the petitioner above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna in connection with Complaint case No. 20 (c) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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