

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21109 of 2016

Arising Out of PS.Case No. -361 Year- 2012 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Md. Taslim, Son of Md. Mustakim
2. Ranjeet Mahto, Son of Bishnudeo Mahto
3. Md. Kalam, Son of Md. Hanif
4. Md. Islam Son of Md. Hanif
All are Residents of village- Madapur, P.S.- Sadar, District- Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Prabhakar Jha, Advocate

For the Opposite Party : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioners and

learned counsel appearing for the State.

The petitioners apprehend their arrest in connection
with Sadar P.S. case no. 361 of 2012 for offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code.

The prosecution story as per the *fardbeyan* of the
informant is that on 06.12.2012 at about 12 noon, the accused
Md. Nasim came and took her son namely Ram Ekbal Rai @
Laddu for eating and drinking at Samudri Devi's house. All the
accused persons along with others were present prior to arrival of
his son and they were drinking and eating which was seen by

many persons. It is further alleged that at 3 pm, a hulla was raised by the public that his son was lying dead near south of Tirhut Canal bandh and his dead body was on a cot of Yogendra Paswan. The informant had apprehension that her son was killed by the accused persons. The cause of dispute is sale of land which was denied by her son.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case due to rivalry. He submits that there is no eye-witness to the said occurrence and the deceased died due to heavy drinking as he was a drunkard. It has further been submitted that one witness Ashok Rai in para 13 of the case diary has named petitioner no. 1 and petitioner no. 4 to be last seen with the deceased. Further, petitioner nos. 2 and 3 have not been named by the witnesses. He submits that in the supervision note also, further investigation is awaited for the *viscera* report. He submits that other witnesses at paras 54 and 55 of the case diary have also stated that the deceased was a drunkard and thus succumbed due to heavy drinking.

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

Be that as it may, since petitioner no. 1 Md. Taslim and petitioner no. 4 Md. Islam have been named by one of the witnesses Ashok Rai, their prayer for anticipatory bail is rejected. However, since there is no eye-witness and some of the witnesses have stated that the deceased was a drunkard and that the witnesses have not named petitioner no. 2 and 3, let petitioner no. 2 Ranjeet Mahto and petitioner no. 3 Md. Kalam, in the event of their arrest/ surrender before the Court below within a period of 08 weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. case no. 361/2012 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J.)

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