

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36887 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Binda Malik Son of Mohan Malik,
2. Bindeshwari Malik Son of Chhathu Malik Both resident of Village-
Gonahi, Police Station- Chhauradano, District- East Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-09-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners are in jail custody since 26.02.2016 in a case, which was initially registered under section 307 and other minor sections of the Indian Penal Code but, subsequently, after death of one of the injured, namely, Yogi Malik, Section 302 of the Indian Penal Code was also added.

Submission on behalf of the petitioners is that in the written report of the informant, no specific overt act has been attributed against the petitioners but after 42 days of the alleged occurrence, when the injured Yogi Malik died, the prosecution witnesses developed the prosecution story, making specific

allegation of assault against these petitioners. It is further submitted that one co-accused, namely, Chhathu Malik lodged Chhauradano P.S.Case No. 106 of 2015 against the prosecution party including the deceased of the present case for the occurrence of the same day and from combined reading of the written report of the present case as well as written report of Chhauradano P.S.Case No. 106 of 2015, it goes to show that free-fight took place between the parties and persons from both the sides sustained injuries but, unfortunately, one person of prosecution side died in course of his treatment.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Chhauradano P.S.Case No. 93 of 2015.

(Hemant Kumar Srivastava, J)

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