

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43124 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Mozamil Khan
 2. Mastan Khan
 3. Amin Khan 1 to 3 Sons of Nathuni Khan
 4. Anwarul Khan Son of Mozamil Khan, All resident of Village Pahadpur, P.S.- Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari
For the Opposite Party/s : Mr. Uday Pratap Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 01-04-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory arises out of Tariyani Police Station Case No. 81 of 2015, disclosing offences under Sections 302,328/34 of the Indian Penal Code.

It is alleged in the First Information Report that there was a Panchyati for resolution of some dispute between the deceased and his family members and the Panchayat had imposed upon the deceased a fine of Rs. 2,000/-. The deceased is said to have thereafter left for arranging money. He subsequently died. Allegation is that the persons who were members of the Panchayat caught hold of him and one of them, namely, Anwarul Khan (Petitioner No.4) forcibly administered poison due to which he died.

Learned counsel appearing on behalf of the petitioners has submitted that the case of the prosecution as narrated in the First Information Report is highly improbable. He has secondly submitted that it has transpired in course of investigation that the deceased committed suicide. He submits that in any event, there is no chance of the petitioners fleeing away from the course of justice or tampering with the evidence.

In view of the submissions as above, this application is allowed. Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sheohar in Tariyani P.s. Case No. 81/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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