

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50173 of 2015

Arising Out of PS.Case No. -87 Year- 2009 Thana -SAUR BAZAR District- SAHARSA

- =====
1. Chhoti Sah @ Chotelal Sah son of Late Munar Sah
 2. Pawan Sah son of Damodar Sah Both residents of Village : Bakhari,
P.S. : Sour Bazar, District : Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-02-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 302 and 201 of the Indian Penal Code.

As per prosecution case, petitioner along with 5 to 6 unknown persons came to the house of Nago Paswan and demolished the road. On protest, they started throwing brick pieces which hit the daughter of the informant/complainant. The daughter of the informant died on way to Saharsa.

It is submitted on behalf of the petitioners that they have been falsely implicated in the present case. The alleged date of occurrence is 23.12.2007 and the complaint case was filed in respect to the same on 5.1.2008. There is no explanation in respect to the delay in instituting the case by the prosecution. From perusal of Annexures-2 and 3 it would appear that in respect to the same occurrence, which had taken place on 23.12.2007, a case and a counter case were instituted by the police. From perusal of Annexures-2 and 3 it is evident that no one had died in

the said occurrence. In the present case, there is no post mortem examination report to support the allegation made by the complainant. The police has submitted a final form in the present case.

On behalf of the State, it is submitted that petitioners are named in the complaint/F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saur Bazar P.S. Case no. 87 of 2009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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