

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8959 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nirmala Kumari @ Nirmala Devi W/o Bhriquashray Ram resident of Chandmari, P.S. Motihari Town, Distt. - East Champaran
 2. Rajan Kumar @ Rajan Kumar Ram S/o Vishundeo Ram resident of village - Madhopur, P.S. Majhauria, District - West Champaran
 3. Harinandan Ram S/o Surat Ram resident of Areraj, P.S. Govindganj, Distt. - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. P.K.Chaurasia(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Govindganj (Areraj) P.S. Case No. 234/15, G.R. No. 4367/15 for offences alleged under Sections 302, 420, 379, 504, 506/34 of the Indian Penal Code. Initially a Complaint Case No. C 378 of 2015/ 674 of 2015 was filed by the complainant, which was sent to the police station under Section 156(3) Cr.P.C.

The prosecution case, as lodged by the complainant, is that she along with her husband went to the godown of the petitioners and with regard to delivery of gas

cylinder some hot exchange took place between petitioner No. 2 and the husband of the complainant and he abused and pushed her husband. Petitioner No. 1 ordered to push him out of the premises and on protest her husband was assaulted with slaps and petitioner No. 2 took Rs. 1300/- from his pocket. Complainant further alleged that on receiving head injury her husband fell on the ground and died.

It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal antecedent and have falsely been implicated in the aforesaid case. He further submits that the alleged date of occurrence is 08.02.2015, but the complaint case was filed on 13.03.2015 after more than a month of the alleged occurrence. It is further submitted that when the informant's husband came to the godown he suffered severe heart attack and eventually succumbed and after cremating the dead body, as an afterthought, the present complaint case has been filed. He submits that there is no post mortem report and that the matter has been compromised between the parties.

Learned APP for the State submits that although the prosecution case is not supported by evidence but the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is no eye-witness and the complaint case having been lodged after inordinate delay with no post mortem report, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, East Champaran at Motihari, in connection with Govindganj (Areraj) P.S. Case No. 234/15, G.R. Case No. 4367/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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