

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17057 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Pramod Mukhia, son of Bhola Mukhia
 2. Dilip Mukhia, son of Ramchandra Mukhia
- Both are resident of Village-Bhatandi, P.S.-Rosera, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narsing Tanti(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Hasanpur P.S. Case No.216 of 2015 for allegedly having committed the offences under Sections 302, 201 and 120B of the Indian Penal Code.

Case diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that initially, the petitioners were not named in the F.I.R., but subsequently after a lapse of two and a half months, names of the petitioners have been brought into the present case on the statement made in paragraphs 41 of the case diary by the wife



of the deceased alleging that two days prior to the occurrence, there had been some disputes regarding the *Jalkar* with the deceased and these two petitioners along with Lutkan Yadav. It is further submitted that the accused Lutkan Yadav was last seen with the deceased whereas these petitioners were not seen anywhere along with the deceased. It is further submitted that the final form has been submitted and the accused Lutkan Yadav has been sent up for trial whereas with regard to these petitioners, investigation is still under progress. Learned counsel for the petitioners further submitted that after lapse of two and a half months, wife of the deceased has made out a false story. However, she has not even whispered with regard to the present petitioners and the story carved out subsequently seems rather improbable.

Considering the aforementioned facts and circumstances and that the allegation against the petitioner is based purely on conjecture and surmise and also that the petitioners have no criminal antecedents, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of ₹10,000/- (Ten thousand) each with

two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Rosera, District-Samastipur, in connection with Hasanpur P.S. Case No.216 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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