

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43621 of 2016

Arising Out of PS.Case No. -219 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

1. Arbind Yadav @ Arbind Kumar.
2. Pappu Yadav @ Nand Kumar @ Nand Kumar Ramswarup Yadav, both are son of Late Ramswarup Yadav, resident of village- Karila, P.S.- Madhusudanpur, Nathnagar, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Sri Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nathnagar (Madhusudanpur) P.S. Case No. 219 of 2016 registered under Sections 302 and 201/34 of the Indian Penal Code.

The allegation of informant is that, in the evening, on 29.07.2016, her husband had gone to attend the call of nature towards orchard and he did not return. While search was made by her but no trace was found. On 01.08.2016, at about 2 P.M., Halla was raised to the effect that the dead body of her husband was lying in the field of Ganesh Yadav, on which, she reached there and saw the dead body of her husband. The informant raised suspicion against the petitioners having hand in the murder of her

husband due to old enmity.

Learned counsel for the petitioners submits that, in fact, regarding the occurrence dated 07.11.2011, on the basis of written report of petitioner no. 1, Nathnagar (Madhusudan) P.S. Case No. 162 of 2011 was instituted under Sections 302, 324, 504, 379, 147, 148, 149 and 448 of the Indian Penal Code regarding the murder of brother of the petitioners, in which, the husband of the informant was also accused and the trial is still going in that case due to that reason, mere on suspicion, the petitioners have falsely been implicated in this case. It is further submitted that petitioners have no criminal antecedent.

Considering the aforesaid submissions, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 219 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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