

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38333 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -DHAMDAHA District- PURNIA

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1. Mahendra Jha, son of Late Nageshwar Jha
2. Gopi Kant Jha, son of Mahesh Jha
3. Mahavir Kumar, son of Gopi Kant Jha
4. Muskan Kumari (Manasputri) D/o Mahendra Jha,
All are resident of Village- Dhamdaha, P.S.- Dhamdaha, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 19-09-2016 Heard Sri Ajay Thakur, learned counsel, who was assisted by Sri Pravin Kumar, learned counsel for the petitioners and Sri Dinesh Singh, learned Additional Public Prosecutor.

Four petitioners, apprehending their arrest in Dhamdaha P.S. Case No. 72 of 2016 registered for the offence under Section 302, 120-B/ 34 of the Indian Penal Code, have prayed for grant of bail in the event of arrest or surrender.

By way of referring to Annexure- 3 to the present petition, learned counsel for the petitioners submits that after the death of son of the informant a U.D. Case vide U.D. Case No. 01 of 2016 was registered on 24/3/2016 on the basis of fardbyan of the informant of this case. In the U.D. Case the informant had



categorically made statement that on the dead body of his son there was no external injury and he had not raised any suspicion against anyone, however after several days the same informant gave an information before the officer –in- charge of Dhamdaha Police Station making a bald allegation against petitioners that they had conspired to kill the son of the informant on the basis of no. of mobile phones. Learned counsel for the petitioners has also placed reliance on Annexure – 4 i.e. copy of post mortem examination report to substantiate that even in the post mortem examination no external injury was found on the person of the deceased. The investigation in the case is still going on .

Considering the fact that initially a U.D. Case was registered and there was no suspicion and subsequently the present F.I.R. was lodged that too only on suspicion, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid four petitioners Mahendra Jha, Gopi Kant Jha, Mahavir Kumar and Muskan Kumari be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,

Purnea / concerned court in connection with Dhamdaha P.S. Case No. 72 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure. It is made clear that if during investigation sufficient material is collected and petitioners are forwarded as accused in the charge sheet and charge sheet is submitted then their bail bond shall stand automatically cancelled and thereafter petitioners will have to appear before court below and make a prayer for regular bail.

(Rakesh Kumar, J)

Praful/-

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