

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14376 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -KASBA District- PURNIA

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1. Bidyanand Mahaldar, Son of Bhola Mahaldar
2. Sima Devi, Wife of Mahendra Mahaldar Both resident of Village-
Chandani Chowk, P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Rajesh Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 20-04-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kasba Police Station Case No. 251 of 2015,
disclosing offences under Sections 341, 323, 447, 307, 504,
302/34 of the Indian Penal Code.

From the First Information Report, it appears
that the occurrence took place with respect to a dispute
over passage between the families of the informant and the
present petitioners.

Learned Counsel for the petitioners has
submitted that for an occurrence alleged to have taken
place on 22.11.2015, the First Information Report came to



be instituted on 29.11.2015. This inordinate delay in lodging of the First Information Report casts serious doubt over veracity of the prosecution case. He has further submitted that no offence under Section 302 of the Indian Penal Code is made out as no intention to kill is manifest from the allegation as contained in the First Information Report. He further submits that the post mortem of the deceased was conducted on 02.12.2015, wherein the doctor has mentioned the time elapsed since death as 'within 72 hours'.

Considering the genesis of occurrence and nature of allegation, this application is allowed.

Let the petitioners, namely, Bidyanand Mahaldar and Sima Devi, in the event of their arrest or surrender before the Court below within six weeks, 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 Additional Chief Judicial Magistrate, Purnea, in connection with Kasba Police Station Case No. 251 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required

and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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