

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10461 of 2016

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

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1. Dhrub Pratap @ Futush @ Fulo son of Ram Shankar Sharma @ Shankar
Sharma Resident of Village- Nandpur P.S. Suryagarha, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Prasad Singh @ Sanjay, Ad.

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 08-03-2016

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
364, 302, 201/34 of the Indian Penal Code.

The prosecution case is that six named accused
persons including the petitioner and four unknown
started assaulting the husband of the informant and in
spite of the protest being made they continued assaulted
the informant's husband. Subsequently, the accused
persons took away the husband of the informant towards
the bank of the river on a boat, then the informant came
home and informed the family members. Thereafter the
son of the informant and her brother-in-law bhai-soor went
on the another boat in the river and found the dead body

of the husband of the informant. They came and informed the police, but the police could not find the dead body.

It is submitted by the learned counsel for the petitioner that the accusation is omnibus and general. It is not alleged that the victim was assaulted with any weapon. The First Information Report does not reflect that the informant saw any injury being caused and admittedly, the husband of the informant was killed so long she is witness of the occurrence. For the occurrence of 10.11.2014 at 4.00 P.M. the First Information Report was registered on 11.11.2014 at 7.30 P.M. Co-accused Pinki Devi and Chunchun Sharma have been granted anticipatory bail by a Coordinate Bench of this Court vide Cr. Misc. No. 43157 of 2015. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the delayed lodging of the case and the similarly situated accused persons have been granted bail by a Coordinate Bench of this Court, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 229 of 2014, subject to conditions as laid down under Section 438(2)

of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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