

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45220 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -BIHPUR District- BHAGALPUR

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1. Nabisa Khatoon, W/o Of Amir Baitha
2. Bado Baitha, Son of Kabir Baitha Both Resident of Village-Bhramarpur,
P.S.-Bihpur (Bhawanipur), District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 27-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in custody since
11.05.2017 in connection with Bihpur (Bhawanipur) P.S. Case
No. 127 of 2017 for offences punishable under Sections 302
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while she was sleeping with her husband two sons and
one daughter in the courtyard at night she heard her son Akbar



whimpering and found he has been shot on the head who succumbed to the injury.

It has been submitted by the learned counsel for the petitioners that they are innocent, F.I.R. was against unknown but informant has named the petitioners and others who were involved in commission of the said offence on her statement which is an afterthought. He submits that the petitioner no. 1 is the own Gotni of the informant and petitioner no. 2 is brother of petitioner no. 1 and they have been falsely implicated in the aforesaid case on the basis of suspicion because of dispute which occurred between both sides one year back. He submits that one of the co-accused has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 44737 of 2017 on 09.11.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-



1st, Naugachia in connection with Bihpur (Bhawanipur) P.S.
Case No. 127 of 2017.

(Nilu Agrawal, J)

Devendra/-

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