

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4622 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -TEDHAGACHH District- KISANGANJ

- =====
1. Muslim, Son of Jalal,
 2. Haserun, Wife of Muslim, Both Resident of Village-Dhabali, Police Station Terhagacch, District Kishanganj. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Radha Mohan Singh, Advocate
Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party : Mr. Matloob Rab, (APP-34)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Terhagacch P.S. Case No. 05 of 2015, registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Allegedly, the sister of the informant was found hanging and suspicion was raised against the petitioners as the petitioner no.1 took some money from the victim and for return of the same there was some altercation between the victim and the petitioners prior to the occurrence.

Submission is of false implication and that besides suspicion there is nothing against the petitioners. During investigation no cogent material has come and prior to that some altercation took place and then the victim was found hanging. The petitioners have got no criminal antecedent and in this case good



sense has prevailed that informant has filed compromise petition also in the learned court below. In this case other co-accused Hakimuddin @ Hakim @ Kalimuddin and Sepetun @ Sametun have been allowed pre-arrest bail and, as such, the petitioners also deserve sympathetic consideration.

The learned A.P.P. submits that petitioner no.1 has taken the money from the deceased and for that there was some altercation prior to the hanging.

In the facts and circumstances as stated above, considering that now good sense has prevailed between the parties and informant has filed compromise petition also other co-accused have been allowed bail and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 Judicial Magistrate 1st Class, Kishanganj, in connection with Terhagacch P.S. Case No. 05 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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