

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21339 of 2017

Arising Out of PS.Case No. -51 Year- 2005 Thana -BHAWANIPUR District- PURNIA

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Bima Bharti, wife of Awadhesh Mandal, resident of village Bhitta, P.S.
Bhwanipur, District Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.21355 of 2017

Arising Out of PS.Case No. -51 Year- 2005 Thana -BHAWANIPUR District- PURNIA

- =====
1. Mahavir Mandal, Son of Ganeshi Mandal, resident of Village - Ram
Diyari, P.S. - Bhawanipur (Akbarpur), District - Purnea.
 2. Motka Awadha Mandal @ Motka Awdhesh Mandal, Son of Rupan
Mandal, resident of Village - Bhitha, P.S. - Bhawanipur (Akbarpur),
District - Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.21339 of 2017)

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Md. Ansarul Haque, APP

(In Cr.Misc. No.21355 of 2017)

For the Petitioners : Mr. Mukesh Kumar Jha. Advocate
For the Opposite Party : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in
connection with Sessions Trial No. 1006 of 2010, arising out of



Bhawanipur (Akbarpur) P.S. Case No. 51 of 2005 for the offences instituted under Sections 342, 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on the date and time of occurrence, when the informant's husband was taking meal on *Osara*, the FIR named accused persons came there and the petitioner Bima Bharati instigated the other accused persons that the husband of the informant was an accused in kidnapping case of the petitioner Bima Bharati's father-in-law and mother-in-law and this occurrence has been committed due to previous enmity. The petitioner Bima Bharati has given threat to the informant two days prior to occurrence.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. From perusal of FIR., it is evident that no specific allegation has been made against the petitioners nor any overt act has been alleged against them. After investigation, the police has submitted final form. Subsequently, in course of trial, under Section 319 Cr. P.C. summons have been issued against the petitioners. Hence, the present application has been preferred on behalf of the petitioners.



On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Sessions Trial No. 1006/2010, arising out of Bhawanipur (Akbarpur) P.S. Case No. 51/2005 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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