

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8482 of 2017

Arising Out of PS.Case No. -353 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Sanjay Kumar Mahto @ Sanjay Kumar, Son of Ganesh Mahto.
2. Rakesh Kumar, Son of Nand Kishre Sah, Both are residents of
Sonbarsa, P.S.- Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Ji Ray, son of Devi Ray, Resident of Village- Jahdi, P.S.-
Sonbarsa, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Sinha
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-03-2017 The petitioners are apprehending their arrest in
connection with Complaint Case No. C1/353/13, registered for
offences punishable under Sections 302 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
though the petitioners were named in the F.I.R, after investigation
police submitted final form, not finding the case to be true.
However, learned Magistrate after accepting final form, proceeded
on the protest petition and ordered for issuance of process against
the petitioners under Section 302 and other Sections of Indian
Penal Code. As a matter of fact the deceased fell down from the
roof and injured himself and due to which he died, which is also



apparent from the postmortem report.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that the police after investigation submitted final form not finding the case true against the petitioner, however, learned Magistrate ordered for issuance of process against the petitioners under Section 302 and other Section of Indian Penal Code, as such, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Sitamarhi Sadar, in connection with Complaint Case No. C1/353/13, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the trial and make themselves available as and when



required by the court and on the event of failure on their part two appear before the court on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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