

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12900 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -KUTUMBA District- AURANGABAD

- =====
1. Surajdeo Rajwar, son of Late Bhudhan Rajwar,
 2. Mangari Devi, wife of Surajdeo Rajwar, Both resident of Village-
Chhakanwar, P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Smt. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Section 302 of the
Indian Penal Code.

For trivial dispute between two neighbours allegation
is that the petitioners bitterly assaulted to the wife of the informant
as a result whereof she died. The post mortem report would reveal
that single head injury was found on the person of the deceased,
which was cause of death.

Submission of the learned counsel for the petitioner is
that in fact the informant is not an eyewitness of the occurrence
and false allegation is there.



Considering the fact that the prosecution evidence is not consistent with the post mortem report, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/Successor Court in connection with Kutumba Police Station Case No.77 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioners shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioners in this case.

(Birendra Kumar, J)

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