

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22215 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Krishna Sah, S/o Late Sheo Mangal Sah.
2. Udho Sah, S/o Late Saryug Sah.
3. Suresh Sah, S/o Late Heera Sah.
All resident of Village Ghorasahan, P.S.- Ghorasahan, District- East
Champaran. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sangeet Deokuliar
For the Opposite Party/s : Mr. Sri Mustaque Alam

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioners and learned APP
representing the State.

Petitioners apprehend their arrest in connection with
Ghorasahan P.S. Case No. 105 of 2016 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

The petitioners are not named in the first information report,
their names have come during investigation that they participated in the
cremation of the dead body.

Submission is of false implication and that the petitioners
have no concern with the alleged occurrence, due to confusion and
with ulterior motive the petitioners have been implicated in this case,
the deceased died due to excessive drinking of country made liquor on
the eve of Holi and when he died the named accused persons brought
him to his house and other villagers including the petitioners also



reached there on the arrival of the dead body and told about cremation of the dead body, the occurrence is alleged to be of 23.03.2016 while the FIR has been lodged on 25.04.2016 after about three weeks and only explanation is that the informant came to know about the real matter through the people after some times which is not believable. There is vague allegation, none of the witnesses have stated anything against the petitioners and as such they deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail but fairly submits that the petitioners are not named in the FIR.

In the facts and circumstances stated above, the petitioners above named, in case 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 execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikarahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 105 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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