

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37378 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -PAKRIDAYAL District- EASTCHAMPARAN
(MOTIHARI)

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1. Hira Das, Son of Jogeshwar Das
2. Indu Devi, Wife of Hira Das, Both resident of Chorma Naya Tola,
Thana - Pakri Dayal, District - Purvi Champaran, Bihar.
.... Petitioners

Versus

1. The State of Bihar
.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-09-2017 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 offences punishable under Section 302/34 of the Indian Penal Code.

The petitioners who were family members of the informant allegedly assaulted to the wife of the informant. The injured was taken to the hospital for treatment. Thereafter, she returned back and after ten days her condition again deteriorated. Thereafter, she was carried back to the hospital. However, she died on the way.

Submission of the learned counsel for the petitioners is that no offence under Section 302 of the Indian Penal Code is



attracted in the facts and circumstances of this case and the finding in the post-mortem report that the victim died of strangulation is not the prosecution case in the FIR.

Considering the aforesaid facts, 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Motihari/successor Court in connection with Pakri Dayal Police Station Case No. 108 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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