

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52815 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -SALAIYA District- AURANGABAD

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1. Surendra Rikhiyasan S/o Ram Swaroop Bhuiya
2. Vikash Bhuiyan S/o Chanarik Bhuiya Both R/o Village Kataiya, P.S.
Salaiya, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-12-2017 Heard the learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek bail in connection with Salaiya
P.S. Case No. 32 of 2017 dated 28.05.2017 instituted for the offence
under Section 302 of the Indian Penal Code.

The wife of the deceased, though in the FIR, has
alleged that the dead body of her husband was found in the village
and it appeared that he was killed by means of a stone but she did
not raise any suspicion against anybody. Later, in her further
statement, she has alleged that perhaps the petitioners have killed
the deceased. The son of the informant, who had also accompanied
the informant (his mother) to the place where the dead body of the
deceased was found, did not state anything in the beginning.
However, on the same day he made a statement which is recorded



in paragraph-6 of the case diary that the petitioners were seen coming through that direction where the dead body was found. During the course of investigation, it further came to light that the deceased always visited the house of petitioner no. 1 whose wife had been suffering abortion every time that she went in the family way. Perhaps, she was told by somebody that the deceased might have practiced black magic on her. This is the cause attributed to the petitioners for killing the deceased.

Nobody has seen the occurrence and mere statement of son of the deceased that the petitioners were seen in the night at the place where the dead body of the deceased was found would be too bleak a material to warrant the incarceration of the petitioners any further.

The petitioners are in custody since 31.05.2017 and do not bear any criminal antecedent.

In the facts and circumstances, the petitioners above named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Salaiya P.S. Case No. 32 of 2017.

(Ashutosh Kumar, J)

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