

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2694 of 2017

Arising Out of PS.Case No. -287 Year- 2014 Thana -BARBIGHA District- SEKHPURA

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1. Mantu Ram, son of Jagdev Ram,
2. Vikky Kumar @ Sagar Ram, S/o Mantu Ram,
Both R/o Village- Ramjanpur, P.S.- Barbigha, District- Sheikhpura.
.... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 27-01-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Barbigha P.S. Case No. 287 of 2014 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

The petitioners are named in the first information
report registered under Sections 302/34 of the Indian Penal Code
along with other co-accused but after completing investigation the
case was found true under Section 279/304A of the Indian Penal
Code as it was the case of accident and accordingly the petitioners
were not sent-up for trial but learned A.C.J.M. after differing with
the opinion of the Investigating Officer took cognizance under
Sections 302/34 of the Indian Penal Code also against the
petitioners and others.



Submission is that the petitioners have not been sent-up for trial and during investigation the allegations have been found not true rather the deceased died in the accident due to multi organ failure and as such the petitioners deserve sympathetic consideration.

Learned APP submits that the petitioners were not chargesheeted.

In the facts and circumstances stated above, the petitioners above named, in case of their surrender or arrest 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 A.C.J.M. 2nd, Sheikhpura in connection with Barbigha P.S. Case No. 287 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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