

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6389 of 2017

Arising Out of PS.Case No. -356 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Shyam Nath Roy, S/o Late Tola Roy
 2. Shivjee Roy, S/o Late Tola Roy, Both Resident of Village-Shah-Salempur, P.S.-Barh, District-Patna.
- Petitioners

Versus

1. The State of Bihar,
 2. Binod Rai, Son of Late Kamta Rai, Resident of village-Pachhiyari Malahi, P.S. Barh, District-Patna.
- Opposite Party
- =====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 04-04-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 356(C) of 2015, registered under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that initially Athmalgola P.S. Case No. 241 of 2013, under Section 302 and 201 against unknown was instituted on 14.11.2013 on the basis of written report of informant Vinod Rai, brother of the deceased Ashok Rai. After investigation, the Police submitted Final Form on 12.02.2014 with report of mistake of fact, but on the basis of protest petition of informant Vinod Rai Complaint Case No. 356(C) of 2015 was instituted in which the petitioner has been summoned on inquiry



finding prima facie case under Section 302 and 201/34 I.P.C. Further submission is that in course of investigation of Athmalgola P.S. Case No. 241 of 2013, the statement of informant/Complainant Vinod Rai was recorded, but he has not whispered any manner against the petitioner having hand in the occurrence, but with ulterior motive, he raised suspicion at petitioner and others in his protest petition. Further submission is that petitioners having no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the SDJM, Barh, Patna in connection with Complaint Case No. 356© of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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