

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30529 of 2017

Arising Out of PS.Case No. -2330 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Shyam Sunder Rai, Son of Late Madho Rai
2. Munna Kamkar @ Raja Prasad Kharwar @ Raja Prasad Kharwar @
Munna Kharwar, Son of Chandra Shekhar Kamkar
Both resident of Village- Chailwan, Police Station- Gopalpur, District-
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramki Devi, Wife of Gorakh Rai, resident of Village- Chailwan, P.O.-
Chailwan, Police Station- Gopalpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-07-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Protest-cum-
Complaint Case No. 2330 of 2015, Trial No. 463 of 2017 arising
out of Gopalpur P.S. Case No. 84 of 2008 instituted for the
offence under Sections 302, 328 and 120(B) of the Indian Penal
Code.

It has been submitted that petitioner No. 1 is *Pattidar*
of the informant. A partition suit is pending between the parties.
The petitioner No. 2 at the relevant time of the occurrence was Ex-
Mukhiya. It has further been submitted that police after



investigation submitted Final Form against the petitioner and thereupon on the basis of protest petition, cognizance has been taken against the petitioner for the offence under Sections 302, 328 and 120B of the Indian Penal Code.

From the written report itself it appears that death of the son of the informant took place in his house and a suspicion has been raised against the petitioner that he committed the murder of the son of the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 2330 of 2015, Trial No. 463 of 2017 arising out of Gopalpur P.S. Case No. 84 of 2008, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Gopalganj, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two



consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

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