

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41889 of 2017

Arising Out of PS.Case No. -193 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Jagarnath Thakur, Son of Late Bhagwat Thakur.
2. Kundan Thakur, Son of Sitaram Thakur.
3. Jai Prakash Thakur, Son of Late Chhathu Thakur.
4. Kanhaiya Thakur, Son of Late Chhathu Thakur.
5. Ranjeet Thakur, son of Laxmi Thakur.
6. Anil Thakur @ Ail Kumar, son of Kailash Thakur, All Residents of Village- Mirpur, Police Station- Chiraiya, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Chiraiya P.S.Case No. 193 of 2014 registered under Sections 364, 368, 302 and 120-B of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the ingredients of Section 364 of the Indian Penal Code are not attracted in the present case. It is further contended that the case is based on a complaint, which was referred to the police under Section 156(3) of the Code of Criminal Procedure for investigation. He has submitted that the husband of the complainant died in Bangalore and even his post-mortem



examination was not conducted but, after a long delay of 15 days, a concocted and afterthought complaint was filed before the court. He has contended that the police of East Champaran have got no jurisdiction to investigate the case.

On the other hand, learned counsel for the State has submitted that it cannot be said that no part of the occurrence took place in Motihari, East Champaran as the allegation in the complaint is that the husband of the complainant went to Bangalore together with the petitioners on their persuasion.

Be that as it may, considering the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran at Motihari in connection with Chiraiya P.S.Case No. 193 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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