

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53110 of 2017

Arising Out of PS.Case No. -116 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Saddam Hussain, son of Usman Mian,
 2. Usman Mian, son of late Mahboob Mian, all resident of village-
Asharphi Sah Tola, P.S. Turkauliya, District: East Champaran.
- Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-12-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Turkauliya**
P.S. Case No.116 of 2017 instituted for the offence under
Section(s) 302/34 Indian Penal Code.

In the written report, it is alleged that on the date of
occurrence some dispute took place because of sewerage and it is
alleged that the informant saw that his father is being assaulted
by these petitioners after putting *Gamcha* around his neck. The
informant came running on hearing *halla* then the accused
persons fled away. Thereafter, his father was brought to hospital
where he was declared dead.

Case diary has been received. Further statement of



the informant is recorded in para 4, wherein, he has stated that his father suffered heart attack and he was brought to hospital where he was declared dead. Similar statement has been made by other witnesses in para 5, 6, 7, 8 and 9 of the case diary.

Post mortem report has been annexed as Anenxure-2, wherein, doctor has stated cause of death due to cardiopulmonary arrest. There was no external injury found on the person of the deceased.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Turkauliya P.S. Case No.116 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Motihari, East Champaran**, 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.

(Sanjay Priya, J)

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