

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43398 of 2017

Arising Out of PS.Case No. -162 Year- 2017 Thana -GOVINDGANJ District- EAST
CHAMPARAN (MOTIHARI)

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1. Ram Ratan Kumar @ Ram Ratan Mukhia, Son of Awadh Bihari Mukhia
2. Dilip Mukhia, Son of Awadh Bihari Mukhia
3. Chandrakali Devi, wife of Awadh Bihari Mukhia
All are residents of village Bindwalia, P.S. Gobindganj, District - East
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Umeshnand Pandit

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**
ORAL ORDER

2 22-09-2017 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Gobindganj P.S. Case No. 162 of 2017,
disclosing offences under Sections 452, 341, 323, 325,
307, 379 and 354(B)(C)/34 of the Indian Penal Code.

The petitioners belong to the same family
inasmuch as petitioner Nos. 1 and 2 are full brothers and



petitioner No. 3 is the mother of petitioner Nos. 1 and 2.

Learned counsel, appearing on behalf of the petitioners, appears to be right in his submission that offence, under Section 354(B) (C) of the Indian Penal Code, cannot be said to be made out on the basis of allegation made in the First Information Report. He has also submitted that the case of the prosecution appears to be highly improbable. Further, considering the nature of accusation, no offence, under Section 307 of the Indian Penal Code, can be said to be made out.

I find substance in the submission so made on behalf of the petitioners. This application is, accordingly, allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Motihari, East Champaran**, in connection with **Gobindganj P.S. Case No. 162 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required



and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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