

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5998 of 2017

Arising Out of PS.Case No. -344 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Hasim, son of late Sheikh Khalil,
 2. Anisar Rehman @ Bhikhari @ Anisur Rahman, son of Sheikh Isha, both are resident of Village-Madhopur Madhumalat, P.S.-Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 07-03-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Turkauliya P.S. Case No.344 of 2014 instituted for the offence under Section(s) 323, 364/34 Indian Penal Code.

It has been submitted on behalf of the petitioners that uncle of the deceased in para 26, *Sarpanch* in para 28 and other witnesses in para 27 of the case diary have stated that death of elder brother of the informant, Naiyar Babu, took place about twelve years ago. It has further been submitted that compromise petition has also been filed between the parties. Affidavit has been sworn by grand-father of the deceased stating that he died twelve years ago.

There is allegation that the informant with his elder



brother, Naiyar Babu, (since deceased) went to plough the land and these petitioners caused his death by pressing his neck and took the dead body in a bag.

The police has mentioned in para 97 of the case diary that he learnt from confidential source that Naiyar Babu was not kidnapped, rather, he died about sixteen years back. The Superintendent of Police in his supervision note, which is mentioned in para 48 of the case diary, has stated that action for arrest of the accused would be taken after recovery of the victim.

In such circumstances, from the case diary itself, it appears that there is no direct evidence against the petitioners.

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.344 of 2014, 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, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

