

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46561 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -JAMOBABAZAR District- SIWAN

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1. Kanti Devi wife of Goutam Prasad Yadav
2. Jyoti Paswan @ Jotish Kumar son of Lalan Manjhi
3. Sintu Kumar @ Abhisek Son of Goutam Prasad Yadav All Resident of
Village-Gopalpur, P.S. Jamo Bazar, District Siwan.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 12-01-2017 Heard both sides.

The petitioners apprehend their arrest in Jamo Bazar
P.S. case No. 11 of 2016 under Section 302/34 of the Indian
Penal Code.

The informant suspected that petitioners might have
killed Gopichand Choudhary as Kanti Devi earlier quarreled with
Gopichand Choudhary.

The learned counsel for the petitioner submits that
there is no eye witness of the occurrence. Save and except
suspicion, there is no material on record to show that the
petitioners killed Gopichand Choudhary by strangulating him.
From the post mortem report it appears that there is neither any
external nor any internal injury and opinion with regard to cause
of death was reserved and viscera was sent to FSL for



examination.

It appears that informant on mere suspicion alleged that petitioners might have killed the deceased by strangulating him but there is no tangible material on record to show that deceased was strangled to death. The post mortem report does not support the version of the prosecution.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri A. K. Gupta, the learned Judicial Magistrate, Siwan in Jamo Bazar P.S. Case No. 11 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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