

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47889 of 2017

Arising Out of PS.Case No. -297 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Rajesh Yadav, Son of Shankar Yadav.
2. Jai Prakash Yadav, Son of Shankar Yadav. Both are Resident of Village- Uttari Telua, Police Station- Nautan, District- West Champaran.
3. Brij Mohan Sharma, Son of Late Prasad Sharma, Resident of Village- Gahiri Man Tola, P.S.- Nautan, District- West Champaran.
4. Munni Devi, Wife of Shashi Kant Thakur.
5. Dhani Lal Thakur, Son of Late Jhapas Thakur, Both are Resident of Village- Uttari Telua, Police Station- Nautan, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-10-2017

Heard Mr. Sanjay Kumar No. 7, learned counsel for the petitioners, Mr. Sanjeev, learned counsel for the informant and Mr. J.N. Thakur, learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under



Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of one Bhuteli Yadav, with allegation to the effect that on 21.10.2016 at 10.00 A.M. the FIR named accused persons and others came and asked his son Sanjay Yadav to accompany them for some work but he conveyed them that he is going to school, upon which, they persuaded him and ultimately he went with the accused persons on a motorcycle. Subsequently, the informant came to know at 11.00 a.m., that the accused persons got his son deliberately electrocuted, by putting him in contact with a eleven thousand volt electric wire. Thereafter, co-accused Neeraj Patel and petitioners Brij Mohan Sharma and Munni Devi took away the dead body on a motorcycle but when Harilal Yadav saw them they threw the dead body and escaped from the scene. One Babulal Yadav identified the accused persons.

It is submitted by learned counsel for the petitioners that the son of the informant was an Electrician and he got electrocuted while doing some electrical work. On conclusion of the investigation the petitioners were not sent up for trial and charge-sheet was submitted only against Shashikant Thakur under Sections 304 and 201 of the Indian Penal Code



vide Final Form No. 80/17 dated 29.04.2017, as contained in Annexure-2, but differing with the same the learned ACJM 6th, West Champaran, Bettiah took cognizance under Sections 304 and 201 of the Indian Penal Code against the petitioners also. Hence, the present application.

It is submitted by learned counsel for the informant that there is specific accusation against the petitioners also that they took the son of the informant and they tried to conceal the dead body, but when they were identified by the witnesses they threw the dead body.

Considering the fact that on conclusion of investigation the petitioners were not sent up for trial, but differing with the final form the cognizance has been taken under Sections 304 and 201 of the Indian Penal Code against the petitioners also, coupled with the statement made in paragraph 3 of the petition that the petitioners are having no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Chief Judicial Magistrate, West



Champanan at Bettiah in connection with Nautan P.S. Case No.
297 of 2016, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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