

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27973 of 2018

Arising Out of PS. Case No.-1050 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1.Jokhu Ram @ Jokhu Bin @ Jokhu Mukhiya son of Rucha Bin
2. Dilip Mukhiya @ Dulip Mukhiya, son of Jokhu Ram
Both residents of village-Banchahri, P.S. Bagaha,
District- West Champaran

... .. Petitioners

Versus

1. The State of Bihar.
2. Phuljhari Devi W/o Late Kanchan Ram, R/o Vill.- Banchahri, P.S.- Bagaha,
District- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-05-2018 At the very outset, learned counsel for the petitioners submits that in paragraph 4 of the petition, some typing error has occurred and, as such, he requests for allowing him to make necessary correction.

The prayer is allowed.

It may be done in course of the day.

Heard Sri Bimlesh Kumar Pandey, learned counsel for the petitioners and learned Addl. Public Prosecutor.

Two petitioners having clean antecedent, which has been mentioned in paragraph-3 of the petition, have prayed for grant of anticipatory bail in Tr. No.1030 of 2018, arising out of



Complaint Case No.C1050/2015, registered for the offence under Section 304 of the Indian Penal Code.

At the very out, learned counsel for the petitioners has drawn my attention to the statement made in paragraph-4 of the petition to show that initially for the said occurrence, the complainant of the present case had lodged a complaint before the police and, as such, F.I.R. vide Bagaha P.S. Case No.43 of 2015 was registered for the offence under Section 302/34 of the Indian Penal Code and under Section 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He submits that during investigation, the accusation was not found true and, as such, final report was submitted by the police. Thereafter, the informant/complainant filed a protest petition. The protest petition was treated as complaint petition and, thereafter the case has proceeded.

Considering the fact that during investigation by the statutory agency, since accusation was not found true and final report was submitted, both petitioners are at least entitled to be released on anticipatory bail. Accordingly, let both the aforesaid petitioners, namely Jokhu Ram @ Jokhu Bin @ Jokhu Mukhiya and (ii) Dilip Mukhiya @ Dulip Mukhiya , in the event of their arrest or surrender within six weeks from today, be released on



bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha, West Champaran in connection with Tr.No.1030/2018 arising out of Complaint Case No.C 1050/2015 subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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