

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52034 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- BELDOUR District- Khagaria

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1. Chano Mistri,
 2. Lalan Mistri
 3. Indal Mistri S/o
All sons of Late Rameshwar Mistri @ Gyanchand Mistri @ Gena Miastri,
 4. Shankar Mistri S/o Indal Mistri,
All are R/o Vill.- Gandharshan, P.S.- Beldaur, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking regular bail in connection with Beldaur P. S. Case No. 52 of 2018 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the fardbeyan of the informant, her son Dev Sharan Rajak along with his wife Ranjan Devi had gone to market. It is alleged that before leaving the house her daughter-in-law was talking with someone on mobile and was telling him that she was going with



her husband to market. It is alleged that at about 10:00 p.m. her daughter-in-law got down from the motorcycle at a distance from the house and came to the house. The informant alleged that she saw the motorcycle was being driven by co-accused Mithu Mistri and one of the petitioners Lalan Mistri was the pillion rider.

It is alleged that when the informant asked from Ranjan Devi about her son, Rajan Devi told her that he had gone to Patna. In the morning her villager Lal Babu Mandal informed the informant about the presence of one dead body under the bamboo clump where the Aadhar Card of Dev Sharan Rajak was thrown. The informant reached there and identified the dead body of Dev Sharan Rajak. She alleged that some time ago her daughter-in-law Rajan Devi fled away with co-accused Mithu Mistri in connection with which Mithu Mistri has been sent to jail. It is alleged that about 5-7 days back Mithu Mistri, Kailash Mistri, Chano Mistri, Lalan Mistri, Indal Misri, Shankar Mistri threatened Dev Sharan Rajak to kill if he would not withdraw the case. The informant further alleged that her daughter-in-law had in collusion with the aforesaid persons committed murder of her son Dev Sharan Rajak.

Learned counsel representing the petitioner submits that



it is a case of no evidence as the entire allegations are based on surmises and conjectures. Learned counsel submits that co-accused Kailash Mistri has been granted privilege of regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 40091 of 2018 vide order dated 10.07.2018.

Learned counsel submits that the case of these petitioners stand on similar footing that of Kailash Mistri.

Learned APP has opposed the prayer of bail.

Considering the facts and circumstances wherein these petitioners are not having any criminal antecedent and one of the co-accused similarly situated has been granted privilege of regular bail, let the petitioners Chano Mistri, Lalan Mistri, Indal Mistri and Shankar Mistri be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of Smt. Simri Kuzur, J. M. Ist Class, Khagaria in connection with Beldaur P. S. Case No. 52 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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