

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61269 of 2017

Arising Out of PS.Case No. -98 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Binda Dom, S/o Harihar Dom,
2. Chandan Dom S/o Binda Dom, Both R/o Village- Jatiyahi, P.S.- Raxaul,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv

For the Opposite Party/s : Smt. Anita Kumari Singh, App

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 25-01-2018 Heard the learned counsel for the petitioners and
learned APP for the State.

In this application, the petitioners apprehend their
arrest for the offences in connection with Palanwa P.S. Case No.
98 of 2015 punishable under Sections 302 and 201/34 of the
Indian Penal Code.

Allegedly, one unknown dead body was recovered
and at that time nobody identified that dead body and accordingly,
F.I.R. was registered against un-known. During investigation the
dead body was identified as of Mohan Mukhiya and the name of
the petitioners also transpired that they have killed the deceased as
the petitioner no. 1 has caused threats to the deceased and further



petitioner no. 2 has taken away the deceased after calling him.

Submission is of false implication and that there is no legal and cogent material against the petitioners. The petitioners have got no criminal antecedent. Only on suspicion, the petitioners have been implicated. No one has seen the petitioners in company with the deceased and, as such, the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail by submitting that witness Nagina Mukhiya and Samshul Miyan vide para nos. 53 and 54 have stated that the petitioner no. 2 came and took away the deceased on the plea that the petitioner no. 1 has called him to practice *Ojhai* and then the deceased went with him and later on his dead body was recovered. The other witnesses Kali Charan Sahani, Sikandar Sah, Shivshankar Singh and Kamla Devi, Vide para 55, 58, 59 and 66 have also stated the names of the petitioners.

In the facts and circumstances stated above, as the petitioner no. 2 has taken away the deceased at his house on the plea that the petitioner no. 1 was calling him and, thereafter, the dead body was recovered and, as such, I am not inclined to grant privilege of pre-arrest bail to the petitioners and, accordingly, their such prayer stands rejected.



However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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