

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23080 of 2018

Arising Out of PS.Case No. -186 Year- 2007 Thana -BARAHIYA District- LAKHISARAI

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1. Manoj Saw Son of late Suresh Saw
2. Sunil Saw Son of Sidheshwar Saw
3. Jagdish Saw Son of late Durga Saw
4. Dilip Saw Son of Ramswarup Saw
5. Chunni @ Chunni Saw Son of lakhan Saw All are Resident of Village-
Janpur, Police Station- Birupur (Barhiya), in the district of Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-06-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Barhiya P.S.Case no.186 of 2007 registered for offences punishable under Sections 364/34 of the Indian Penal Code.

It is submitted that earlier the petitioner Nos. 3 & 5 were arrested and vide order dated 27.4.2018, prayer for bail of the petitioner nos. 3 and 5 have been withdrawn. It has also been submitted that he is not pressing the application with respect to petitioner nos. 1 and 4 as they have also been arrested, as such this application against petitioner no.1 and 4 is dismissed as withdrawn.



Allegation against the petitioner and other accused persons is that they drag the husband of the informant and took away since then the husband of the informant is traceless.

Submission of the learned counsel for the petitioner is that as a matter of fact the husband of the informant fled away from the place of occurrence and the petitioner has no role in that. Further the police after investigation in his case has submitted final form but in the year, 2016 after about nine years, the cognizance has been taken by the learned Magistrate.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner no.2 (Sunil Saw) in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai in connection with Barhiya P.S.Case No.186 of 2007, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.



- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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