

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3383 of 2018

Arising Out of PS.Case No. -311 Year- 2017 Thana -AJAMNAGAR District- KATIHAR

- =====
1. Md. Afsar @ Guddu, son of Sameera @ Md. Samiruddin
 2. Md. Tohid, son of Late Mahmuddin @ Kamaluddin
- Both are residents of village Hajinagar Mohanganj, P.S. Azamnagar,
District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
16.09.2017 in connection with Azamnagar (Salmari O.P.) P.S.
Case No. 311 of 2017, G.R. No. 4212 of 2017 for offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that in the night her husband was sleeping in the room but was
found dead outside in a pool of blood. It is alleged that the
husband of the informant has been killed by the son-in-law
(petitioner no. 1) and the brother of the deceased (petitioner no. 2)
out of land dispute.



It has been submitted by the learned counsel for the petitioners that they are innocent, deceased had prepared a will in the name of his daughter and petitioner no. 1 is the son-in-law, in fact, the informant is the 3rd wife of the deceased and due to property dispute and own motive in the said property, the present false case has been lodged. He submits that there is no eye-witness to the alleged occurrence and charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-VI, Katihar, in connection with Azamnagar (Salmari O.P.) P.S. Case No. 311 of 2017, G.R. No. 4212 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

Rajesh/-

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(Nilu Agrawal, J)

