

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46530 of 2018

Arising Out of PS.Case No. -332 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. GAMA THAKUR @ GOMA THAKUR, Son of Late Banarsi Thakur,
resident of Village- Shripur, P.S.- Naugachia, District- Bhagalpur.
2. Sunita Devi Wife of Binod Thakur, resident of Village- Khagra, P.S.-
Prabatta, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Kotwali
(Tilka Manjhi) P.S. Case No. 332/2017, instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
the F.I.R. is against unknown. Petitioners are not named in the
F.I.R. It is alleged in the written report that some unknown
miscreants have committed murder of his two maternal uncles but
during course of investigation in further statement, the informant
has taken name of these petitioners stating that there was land
dispute for two kathas and three and half dhurs land of the



deceased where the petitioners were residing and subsequently petitioners and other co-accused used to make pressure on the deceased to execute deed in their favour with respect to the aforesaid land and on refusal, they killed his uncles. Besides suspicion, there is no allegation of any overt act against these petitioners.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Kotwali (Tilkamanjhi) P.S. Case No. 332/2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case,



in that case, prosecution will be at liberty to move for cancellation
of bail of the petitioners.

(Sanjay Priya, J.)

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