

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18214 of 2018

Arising Out of PS.Case No. -852 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Manjula Devi @ Manju Devi, Wife of Mahendra Sharma,
 2. Mahendra Sharma, Son of Bhumi Sharma,
 3. Babu Sharma @ Bambu Sharma, Son of Mahendra Sharma,
 4. Subhash Sharma, Son of Mahendra Sharma,
 5. Sitaram Sharma, Son of Sibu Sharma,
 6. Jay Ram Sharma @ Ravindra Sharma, Son of Sibu Sharma,
 7. Sibu Sharma, Son of Late Kallar Sharma,

All resident of Village- Patuaha, P.S.- Saharsa, District- Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Saharsa (Sadar) P. S. Case No. 852 of 2016 registered under
Sections 149, 302, 120-B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that for the occurrence alleged to have taken on
22.01.2016 a complaint petition was filed after three months on



25.04.2016, which was sent to the police under Section 156(3) of the Code of Criminal Procedure for investigation pursuant to which FIR was instituted and even from the allegation made in the FIR, it would be manifest that it is not a case of murder, rather it is a case in which son of the informant died due to accident and accused persons took him to hospital and in course of treatment he died.

Having regard to the nature of allegation made in the FIR and the submissions made above and inordinate and unexplained delay caused in institution of the complaint, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Saharsa (Sadar) P. S. Case No. 852 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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