

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7425 of 2018

Arising Out of PS. Case No.-95 Year-2017 Thana- RAUTRA District- Katihar

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1. Munna Chauhan @ Munna Kumar Chauhan, S/o Narayan Chauhan,
 2. Narayan Chauhan S/o Late Basudev Chauhan, Both R/o Village- Govindpur, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 11336 of 2018

Arising Out of PS. Case No.-95 Year-2017 Thana- RAUTRA District- Katihar

Bijay Uraon Son of late Dhanna Uraon, Resident of Village-Ratua, P.S. Pautara, District Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 7425 of 2018)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

(In Criminal Miscellaneous No. 11336 of 2018)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 22-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Rautara P.S. Case No.
95 of 2017, instituted for the offence under Sections 302,301/34
of the IPC.

Learned counsel for the petitioners has submitted that in



Cr. Case No. 7425 of 2018, petitioner no. 2, Narayan Chauhan, has already been arrested. Therefore, he seeks permission to withdraw the anticipatory bail application on behalf of the petitioner no. 2.

Accordingly, the bail petition dismissed as withdrawn on behalf of petitioner no. 2.

It is alleged that on the date of occurrence son of the informant has gone to take water from tube-well, but he did not return. The informant made search and heard from a boy that her son was at the house of Vijay Kumar. She went there but did not find her son there. Thereafter, the informant raised suspicion against these petitioners that they killed her son due to land dispute.

Learned counsel for the informant has opposed the prayer for anticipatory bail.

Learned counsel for the petitioners has submitted that beside suspicion of the informant, there is no specific allegation of overt act against the petitioners. It has been further submitted that there is land dispute over ancestral property between the parties.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, except petitioner no. 2, Narayan Chauhan, in the event of their arrest or surrender in



the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Rautara P.S. Case No. 95 of 2017, to the satisfaction of the learned Judicial Magistrate 1st Class, Katihar, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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