

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57315 of 2018

Arising Out of PS.Case No. -182 Year- 2012 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Lal Saheb @ Awadh Kishore Singh, son of Late Yogendra Singh.
 2. Phulo Singh, son of Late Raj Kumar Singh.
 3. Subodh Singh, son of Late Sita Singh.
 4. Harindra Singh, Son of Late Ram Avtar Singh. All residents of village - Raja Jan, P.S. Mohiuddin Nagar, District - Samastipur.
 5. Gaya Raut, son of Late Baini Raut, resident of Village - Shivna, P.S. - Mohiuddin Nagar, District - Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Narain Sinha, Advocate and
Miss Rashmi Bharti, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that all the accused
persons including the petitioners came and pressed the neck of the
husband of the informant due to which, he died.

It has been submitted by learned counsel for the
petitioners that the petitioners have been made accused in the
present case due to mistake of fact. The alleged occurrence is said



to have taken place due to property dispute between the parties. As per F.I.R., the informant is eye witness to the alleged occurrence and specific allegation was made against petitioner no. 1 Lal Saheb @ Awadh Kishore Singh of pressing the neck of the deceased. So far petitioner nos. 2 to 5 is concerned, no injury has been attributed against them. The post mortem report is Annexure-2 to the present application. The doctor has not found any external injury on the body of the deceased. The cause of death is said to be cardiac failure. The police after investigation had submitted final form. The learned court below has differed with the said final form submitted by the police and has taken cognizance against the petitioners in the present case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 182 of 2012 (G.R. Case No. 2707 of 2012), subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

