

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60528 of 2018

Arising Out of PS. Case No.-387 Year-2017 Thana- GAYA MUFASIL District- Gaya

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1. Chandan Kumar, S/o Late Ramchandra Mistri,
2. Pintu Kumar Gupta, S/o Late Anandi Prasad,
Both are R/o Mohalla- Sudhi Tola, Manpur, P.O.- Buniyadganj,
P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 11-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Gaya Mofassil P.S. Case No.387 of 2017 registered for the
offence punishable under Section 302 read with 34 of the Indian
Penal Code.

Learned counsel for the petitioners submitted that in
the first information report though seven persons including these
two petitioners are named, the specific allegation of putting a
muffler around the neck of the father of the informant and
tightening the same is against co-accused Chandra Bhushan
Pandey. As far as other accused persons are concerned, the



allegation is that they also assaulted the father of the informant. However, the postmortem report would reveal that save and except injury around the neck of the deceased, no other injury was found on his person. It is submitted that the implication of the petitioners and four others except Chandra Bhushan Pandey is absolutely false and has been made with ulterior motive. It is further contended that co-accused Chunchun Kumar having identical allegation to that of the petitioners have already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 24.08.2018 passed in Cr. Misc. No.47247 of 2018.

Learned counsel for the State admitted that the doctor has opined that death of the victim was caused due to strangulation and no other bodily injury was found on the person of the deceased.

Considering the submissions made above, in the event of arrest or surrender in the court below within a period of six weeks from today, the petitioners 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 the learned Chief Judicial Magistrate, Gaya in connection with Gaya Mofassil P.S. Case No.387 of 2017 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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