

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34832 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -RAXAUL District- EASTCHAMPARAN
(MOTIHARI)

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1. Sitaram Das, S/o Naga Das
2. Shyam Das, S/o Sitaram Das,
Both R/o Village- Chikani, Ward No. 2, P.S. Haraiya, O.P. - Raxaul,
District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Smt Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 23-07-2018

Heard learned counsel for the petitioners and State.

The petitioners are in custody in connection with
Raxaul P.S. case no. 17 of 2018 for the offence under Sections
302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners have got no criminal antecedent. She further submits
that out of three accused persons, police after investigation has
admitted the case of alibi of the 3rd accused, namely, Krishna
Kumar. So far as these two petitioners are concerned, counsel for
the petitioners submits that the instant case was registered at the
instance of the informant, who claimed that he has learned about
the incident from his elder brother, who has seen the occurrence.



Unfortunately, neither the alleged eye witness nor the informant was examined during the course of investigation, in the present case. The petitioners are in custody since 26.01.2018

Having regard to the fact that the petitioners have no criminal antecedent and out of three accused, the police has admitted the case of accused no.3 (Krishna Kumar) that his plea of alibi is correct, the petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Raxaul, Motihari in connection with Raxaul P.S. case no. 17 of 2018.

(Anil Kumar Upadhyay, J)

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