

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55410 of 2018

Arising Out of PS. Case No.-881 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Parmanand Yadav, Son of Gurudev Yadav,
 2. Kailash Yadav, Son of Sri Gurudev Yadav, All are resident of Village- Jagarnathpur, P.S.- Sajour (Shahkund), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mangli Devi, Wife of Modo Yadav, Resident of Village- Jagarnathpur, P.S.- Sajour, Shahkund, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 302/34 of the Indian Penal Code, but cognizance has been taken under Sections 304/34 of the I.P.C.

The prosecution case, in short, is that on 24.02.2014 the daughter of the informant had gone to old house for taking Goitha, where the accused persons including the petitioners locked her daughter in a room and lit fire. When the informant began to search her daughter and went to her old house, she found that her daughter died due to fire.

It has been submitted on behalf of the petitioners that the



petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Both the parties are agnates. The alleged occurrence is said to have taken place due to property dispute. The informant is not an eye witness to the alleged occurrence. The petitioners have been made accused merely on the basis of suspicion. The police has submitted final form against the petitioners. The case has proceeded on the basis of protest-cum-complaint. Cognizance has been taken for an offence under Section 304 of the I.P.C.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Complaint case No. C-881 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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