

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68216 of 2018

Arising Out of PS. Case No.-128 Year-2016 Thana- DARIYAPUR District- Saran

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1. Bindeshwar Rajak, S/o Late Baja Baitha @ Rajak.
 2. Subodh @ Subodh Rajak @ Sarjug Kr. Rajak, S/o Bindeshwar Rajak.
 3. Chandan Rajak @ Chandan Kr. Rajak, S/o Bindeshwar Rajak,
All resident of Village- Mohan Kodhiya, P.S.- Dariyapur,
District- Saran. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-12-2018

Heard counsel for the petitioners and counsel

appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Dariyapur P.S. Case No. 128 of 2016 for offences under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioners does not want to press the application on behalf of petitioner Nos. 2 and 3.

The application is accordingly dismissed as not pressed so far as the petitioner Nos. 2 and 3 are concerned.

In the event the petitioner nos. 2 and 3 surrender before the court below and pray for regular bail, the court below is directed to dispose of the application on its own merit on the same day without being influenced by dismissal of this application.



Adverting to the case of petitioner no. 1, learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 has no criminal antecedent. On recovery of a dead body of a woman the case was registered against unknown and after investigation the trial commenced in which the husband of the deceased was acquitted. He submits that since the husband has been acquitted as the wife was found dead in a suspicious circumstance. The petitioner was not named in the FIR and against him there is no evidence.

Considering the fact that the husband of the deceased, who died in a suspicious circumstance, has been acquitted by the court below after trial, the petitioner no. 1, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran in connection with Dariyapur P.S. Case No. 128 of 2016, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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