

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10047 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mostaque Mian @ Mustak Mian, S/o Late Islam Mian,
2. Naseem Mian @ Nasmudin S/o Late Islam Mian, Both R/o Village-
Asharfi Sah Tola, P.S.- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-02-2018 Heard the learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection with
Turkauliya PS case no. 116 of 2017 G.R. No. 984 of 2017
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code.

The case of the prosecution is that on the date of occurrence
some dispute took place because of sewerage and it is alleged that
the informant saw that his father is being assaulted by these
petitioners after putting *Gamcha* around his neck. The informant
came running on hearing *halla* then the accused persons fled
away. Thereafter, his father was brought to hospital where he was
declared dead.



The learned counsel for the petitioners submits that the co-accused persons have already been granted anticipatory bail by this Court by an order dated 21.12.2017 passed in Cr. Misc. No. 53110 of 2017 on the ground that the informant has stated in paragraph-4 of the case diary that his father had suffered heart attack and when his father had went to the hospital, he was declared dead. It is further submitted that the post mortem report also shows that there are no external injury on the person of the deceased.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Cheif Judicial Magistrate, East Champaran, Motihari, in connection with Turkauliya PS case no. 116 of 2017 (G.R. No. 984 of 2017), subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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