

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23603 of 2019

Arising Out of PS. Case No.-240 Year-2018 Thana- SIKTI District- Araria

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1. HABIRO @ HABIB RAHMAN (Male), aged about 60 years, S/o Late Kinnu, R/o village- Simarbani, Balua, P.S.- Sikty, District- Araria.
 2. Koushar (Male), aged about 28 years, S/o Reyad Ali @ Kalua R/o village- Simarbani, Balua, P.S.- Sikty, District- Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anamul Haque, Advocate.

For the Opposite Party : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners are languishing in custody since
22.01.2019 in a case for the offence registered under Section
304 of the IPC.

The prosecution story, in brief, is that one cattle thief
named as Kabul was killed by the mob and brutally assaulted by
aggressive crowd.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no
allegation of tampering with the witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. Their names have come in the present case merely on the basis of suspicion. The son of the deceased is not an eye witness to the alleged occurrence. There is no substantive evidence to suggest the implication of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Araria, in connection with Sikty P.S. Case No. 240 of 2018 (G.R. Case No. 4109 of 2018).

(Sudhir Singh, J)

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