

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76804 of 2018

Arising Out of PS. Case No.-579 Year-2017 Thana- CHAPRA TOWN District- Saran

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1. Md. Rizwan Son of Late Nizamuddin
 2. Md. Eymamuddin @ Md. Emad Uddin Son of Late Nizamuddin Both
Resident of Village-Ekdara,P.S. Barauni,Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad

For the Opposite Party/s : Mr.Sri Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chapra Town P.S. Case No. 579 of 2017 for the offence under Sections 302, 201/34 of the Indian Penal Code.

Based on complaint petition filed by the father of the deceased, the First Information Report has been registered under Section 156(3) of the Cr.P.C.

The deceased was working as a labour in a company at Chapra. It is the case of the prosecution that because of dispute over payment of wages, the deceased was killed.

Learned counsel appearing on behalf of the petitioners submits that the complaint case was lodge nearly one month after the alleged date of occurrence, which itself casts a



serious doubt on truthfulness of the prosecution's version. He further contends that except for suspicion, there is nothing in the complaint petition to suggest petitioners' involvement in commission of the offence.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the petitioners, I am of the view that an exceptional case for grant of anticipatory bail is made out though the offence alleged is punishable under Section 302 of the Indian Penal Code. This application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, in Chapra Town P.S. Case No. 579 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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