

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8450 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- MINAPUR District- Muzaffarpur

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1. LAL BABU CHAUDHARY Son of Late Mahendra Chaudhary Resident of Village-Turki Gharari, P.S.-Minapur, District-Muzaffarpur.
 2. Shekhar Kumar Son of Lal Babu Chaudhary Resident of Village-Turki Gharari, P.S.-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP
For the Informant : Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-07-2021 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Minapur P.S. Case No.255 of 2020 registered under sections 302, 120 B and 34 of the Indian Penal Code.

As per allegations in the F.I.R., it is stated by the informant that his brother was taken away by the accused persons where the other six named accused persons including the petitioners herein were present. He learnt that his brother was done to death.



It is submitted by learned counsel for the petitioners that from the F.I.R. itself, it would transpire that the informant is not an eye witness to the occurrence. Only a suspicion has been raised by him. In course of investigation in the statement of the witnesses recorded under section 161 Cr.P.C., it has come that the brother of the informant was mistaken to be a thief and on *hulla* being raised by the residents, he was lynched. The petitioners are in custody since 12.7.2020 and investigation in the case has concluded. No specific overt act has been alleged against the petitioners.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the deceased was in love with a girl belonging to the petitioner's family. It was as a result of a well planned conspiracy that the deceased was brought to the petitioner's house, killed and a story of him being taken for thief, narrated. It is a case of brutal murder.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the material that has transpired in course of investigation, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in



connection with Minapur P.S. Case No. 255 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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