

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54907 of 2021

Arising Out of PS. Case No.-681 Year-2020 Thana- SAKRA District- Muzaffarpur

1. CHANDRA SHEKHAR KUMAR Son of Ram Lochan Rai Resident of Village - Baligaun, P.S.- Baliguan, District - Vaishali.
2. Dharmendra Rai @ Dharmendra Kumar Son of Umesh Rai Resident of Village - Mura Bakhari, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3114 of 2022

Arising Out of PS. Case No.-681 Year-2020 Thana- SAKRA District- Muzaffarpur

1. SHIV KUMAR @ SHIV KUMAR MANJHI @ SHIV KUMAR MANHI Son of Dilip Manjhi Resident of Village - Baligaon, P.S. Baligaon, District - Vaishali.
2. Dilip Manjhi Son of Late Dagar Manjhi Resident of Village - Baligaon, P.S. Baligaon, District - Vaishali.
3. Shankar Manjhi Son of Late Dagar Manjhi Resident of Village - Baligaon, P.S. Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54907 of 2021)

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Uday Chand Prasad

(In CRIMINAL MISCELLANEOUS No. 3114 of 2022)

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.



The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sakra P.S. Case no. 681 of 2020 instituted for the offence punishable under Section 306 and 34 of the Indian Penal Code.

As per allegation in the FIR, on 3.12.2020 nephew of the informant was taken away and murdered by his co-villagers including the petitioners. On 04.12.2020, the informant received information that dead body of his nephew was recovered from Sakra police jurisdiction and on getting information he went there. The dead body was recovered from Railway track near Meshraulia railway halt under Sakra P.S.. It is also alleged that all the said accused persons under conspiracy after committing murder of his nephew, throw his dead body on the railway track.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Deceased was under great mental stress and he came out of his house in anger and kept the bicycle near the place of occurrence and threw himself upon the track in-front of the train, resulting into his death. There is no allegation of any assault against the petitioners or any other accused persons but due to land dispute between the family of both the parties, petitioners have been falsely implicated in this case. As per



postmortem report, doctor has opined that deceased died due to hemorrhage caused by heavy and blunt object.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Sakra P.S. Case no. 681 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XII, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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