

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31882 of 2022

Arising Out of PS. Case No.-329 Year-2006 Thana- NARPATGANJ District- Araria

BHOLA KHAN @ BHOLA SON OF LATE SAKUR R/O VILLAGE-
GOKHALAPUR, P.S.- NARPATGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47472 of 2022

Arising Out of PS. Case No.-329 Year-2006 Thana- NARPATGANJ District- Araria

TULSI PASWAN S/O LATE BALDEO PASWAN Resident of village-
Kashmaul, P.S.- Nargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51695 of 2022

Arising Out of PS. Case No.-329 Year-2006 Thana- NARPATGANJ District- Araria

KISHANDEV MANDAL @ KISHUNDEV RAUT Son of Late Shakun
Mandal Resident of Village - Mirdaul, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 31882 of 2022)
For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 47472 of 2022)
For the Petitioner/s : Mr.Dhananjay Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare
(In CRIMINAL MISCELLANEOUS No. 51695 of 2022)



For the Petitioner/s : Mr.Dhananjay Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 12-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Narpatganj P.S. Case No. 329 of 2006, registered for the offences punishable under Sections 302 and 328 of the Indian Penal Code.

As per allegation, the informant firstly lodged complaint petition for the occurrence of murder of informant's son Ekbal with allegation that the petitioners and other accused persons had committed the murder of the son of the informant.

The learned counsel for the petitioners have submitted that they are innocent and have falsely been implicated in this case. During the investigation, no evidence emerged against the petitioners and they were not sent up for trial by the investigating authority. Differing from the opinion of investigating authority, the learned Chief Judicial Magistrate took cognizance. He has submitted further that the informant is the father of the deceased. He has also submitted that co-accused Abdul Barik is facing trial in Sessions Trial No. 172 of 2016. The deposition of the informant



Md. Mustafa was recorded in that Sessions Trial and he did not support the prosecution case. He has stated that he did not know as to who killed Md. Ekbal.

On the other hand, the learned Additional Public Prosecutor fairly conceded that police have submitted final form against the petitioners.

Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-II Class, Araria in connection with Narpatganj P.S. Case No. 329 of 2006, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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