

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63701 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- MEHANDIGANJ District- Patna

1. TUNTUN MISTRY @ SHIVNATH SHARMA SON OF LATE PARIKSHIT MISTRY R/O MOHALLA- BHAISHANI TOLA, P.S.- MALSALAMI, DISTRICT- PATNA
2. RAMA DEVI WIFE OF TUNTUN MISTRY @ SHIVNATH SHARMA R/O MOHALLA- BHAISHANI TOLA, P.S.- MALSALAMI, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-07-2023 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 302, 120(B), 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, co-accused Suraj Kumar and Mukesh Kumar opened fire from their pistol to Chinta Devi, on account of which, she died on the spot. These petitioners are alleged to have sent the accused persons to kill the deceased.

It is submitted on behalf of petitioners that there is no allegation of overt act against these petitioners. As a matter of fact, the deceased was own sister of petitioner no. 1 and residing with informant, who is brother-in-law of petitioner no. 1. and informant, in order to grab the land of deceased, hatched a conspiracy and got killed the deceased. Petitioners have been



made accused in this case merely because they are family members of the deceased. Petitioners claim clean antecedent.

Learned counsel for the informant vehemently opposes the prayer for anticipatory bail.

Considering the fact that there is no overt act against these petitioners and petitioners have got clean antecedent, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged 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 learned A.C.J.M. Patna City, Patna in connection with Mehandiganj P.S. Case No. 64 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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