
(2011) 03 JH CK 0085
In the Jharkhand High Court
Case No : B.A. No. 1494 of 2011

Firnath Baraik and Fagu Baraik

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2011) 03 JH CK 0085

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—The Petitioners are accused in the case registered for the offence under Sections 302/34 of the Indian Penal Code.

2. Learned Counsel for the Petitioners submitted that the Petitioners have been falsely implicated in the case only on suspicion and last seen; there is no eye witness to the occurrence; the doctor has found that the death was due to asphyxia caused by throttling; nothing incriminating has been recovered from their possession; Petitioners are in custody since October, 2010 without any cogent basis; Petitioners are local permanent residents; there is no chance of their absconding.

3. Learned APP opposed the prayer for bail of the Petitioners, but, after going through the case diary, has not disputed the contention made by the learned Counsel for the Petitioners.

4. Regard being had to the facts and circumstances of the case, the above named Petitioners are directed to 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 learned Chief Judicial Magistrate, Simdega in connection with Jaldega P.S. case No. 28 of 2010, corresponding to G.R. Case No. 281 of 2010.