



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16122 of 2015

Arising Out of PS.Case No. -719 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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Manoj Yadav S/o Late Suresh Yadav Resident of Village Ram Tola Kothia,
Police Station Muffasil, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.18504 of 2015

Arising Out of PS.Case No. -719 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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Lelho Tanti, Son of Late Bisho Tanti, Resident of village/Mohalla- Ramtola
Kothia, Police Station- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16122 of 2015)

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

(In Cr.Misc. No.18504 of 2015)

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. H.A.Khan(App)

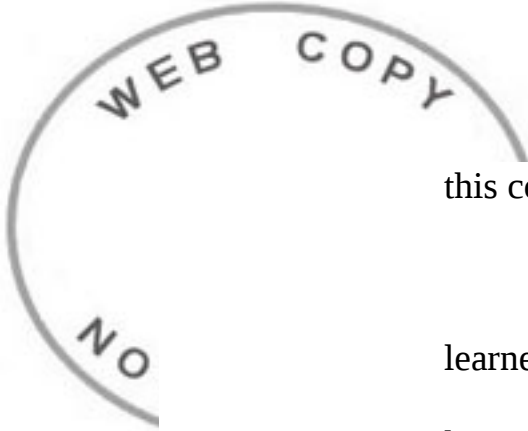
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 26-08-2015 As both the aforesaid cases which arise out of one

and the same F.I.R. are being heard together and disposed of by

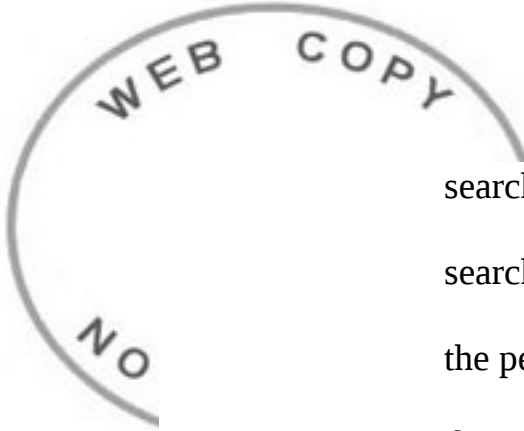


this common order.

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

The petitioners are languishing in jail custody since 18.11.2014 in connection with Khagaria P.S.Case No.719 of 2014 (G.R. No.2538/14) for the offences alleged under Sections 364, 379 and 506/34 of the I.P.C. and later on Sections 302/201 of the I. P. C. had been added on 26.11.2014.

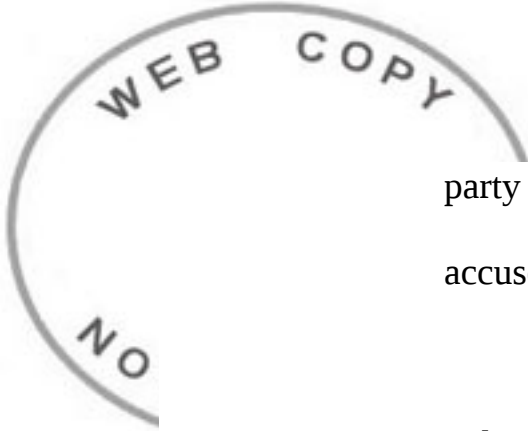
The prosecution case, in brief, as lodged on the basis of a written report of the informant, namely, Sushila Devi before the Officer-in-Charge of Town Police Station, Khagaria, is that on 15.11.2014 the informant along with her son Suman Kumar came to her maika Ram Tola Kothia from Patna and went to Civil Court, Khagaria regarding her case of land and filed Hazri. Then both returned and took their dinner. Her son had gone to meet his maternal uncle Gaukarna Prasad. When the son of the informant could not return till 8 P.M. she phoned him but his mobile was switched off. The informant including her family members started



searching him but she could not find her son. When after hectic search the informant could not find her son she raised suspicion on the petitioners including other co-accused as fifteen days earlier all the accused persons had come to the informant in Patna and threatened her to withdraw all the cases regarding field otherwise be ready for dire consequences.

It has been submitted by the learned Senior counsel for petitioners that the F.I.R. has been lodged on the basis of suspicion against the petitioners and other two co-accused. There was admittedly some land dispute going on between the parties. He has also submitted that there is no eye witness which is evident neither from the F.I.R. nor from the case diary. It was only on the basis of confessional statement of co-accused, namely, Sikandar Sahani and Balbir Sahni that the petitioners have been implicated . All the witnesses have also made such allegation against the petitioners on the ground of suspicion. It is further submitted that the petitioners have clean antecedent.

It is further submitted that the petitioners have been named in the confessional statement of co-accused who were also



party to the said occurrence. The confessional statement of co-accused have no evidentiary value in the eye of law.

Hence, under the facts and circumstances of the case only on the basis of suspicion the petitioners cannot be denied the privilege of bail.

Under such circumstance, let the petitioners, namely, Manoj Yadav and Lelho Tanti, 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 the C.J.M., Khagaria, in Khagaria P.S. Case No.719 of 2014 (G.R. No.2538/14).

(Nilu Agrawal, J)

AnilKrSinha/-

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