

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7948 of 2015

Arising Out of PS.Case No. -544 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Hari Singh son of late Sahdeo Singh resident of village at Chhota
Bariyarpur, Police Station- chhatauni, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10767 of 2015

Arising Out of PS.Case No. -544 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sushil Kumar Mishra Son of Mahendra Mishra, Resident of Village -
Srikrishna Nagar, P.S. - Motihari (Town), District - East Champaran (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10836 of 2015

Arising Out of PS.Case No. -544 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Vijay Kumar @ Vijay Kumar Patel @ Vijay Patel son of Satya Narayan
Pd. resident of village - Narayanpur, Police Station Patahi, District - East
Champaran, at present resident of village - Chhota Bariyarpur, Police Station
Chhatauni, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.7948 of 2015)

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Dr. Rabindra Kumar (App)

(In Cr.Misc. No.10767 of 2015)

For the Petitioner/s : Mr. Santosh Kumar Mishra

For the Opposite Party/s : Dr. Rabindra Kumar (App)

(In Cr.Misc. No.10836 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Dr. Rabindra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
JORAL ORDER

2 10-04-2015

All the three applications arise out of Motihari P. S. Case no. 544 of 2014 registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code and subsequently Sections 326 and 307 of the Indian Penal Code have been added. As such, they have been heard together and are being disposed of by this common order.

It is submitted that F.I.R. was lodged against nine accused persons. The name of the petitioners appeared during investigation. However, after investigation the police did not find material against the petitioners and it was recommended that the petitioners should be released from the custody. But learned Chief Judicial Magistrate without considering the recommendation of the investigating officer has taken cognizance against the petitioners and subsequently the bail applications of the petitioners have been rejected. Petitioners Hari Singh and Sushil Kumar Mishra have no criminal antecedent. Petitioner Vijay Kumar @ Vijay Kumar Patel has one criminal antecedent and was accused in Motihari Muffasil P. S. Case no. 156 of 2002 for the offence punishable under Sections 457 and 380 of the Indian Penal Code in which he has already been acquitted.

Considering the facts and circumstances of this

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 the learned Chief Judicial Magistrate, East Champaran at Motihari in Motihari P. S. Case no. 544 of 2014 with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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