

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15316 of 2015

Arising Out of PS.Case No. -99 Year- 2014 Thana -CHANDAULI District- GAYA
=====

Bimlesh Kumar son of Sri Ranvijay Singh Resident of Village- Simuara,
P.S- Kurtha, District- Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

with

Criminal Miscellaneous No.16541 of 2015

Arising Out of PS.Case No. -99 Year- 2014 Thana -CHANDAULI District- GAYA
=====

Master @ Sudarshan @ Sudarsan Das Son of Chandrika Das Resident of
Village - Belauti, P.S. - Mashaurhi, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

(In Cr.Misc. No.15316 of 2015)

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Murlidhar(App)

(In Cr.Misc. No.16541 of 2015)

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar(App)
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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-06-2015 Heard learned counsels for the petitioners, informant

and the State.

The petitioners are languishing in custody since
07.11.2014 and 07.10.2014 respectively in a case registered for the
offences punishable under Sections 147/148/149/374302 of the
Indian Penal Code and 27 of the Arms Act.

It is alleged that informant and his father were getting



the motel constructed at their own land, in the meantime, 6 and 7 persons came variously armed and on the order of Md. Ekram Mian co-accused Umair Mian caused fire arm injury on the chest of the father of the informant, thereafter, Md. Jamal Mian said that the father of the informant is still not dead then co-accused Qaishar Mian caused another fire arm injury, as a result, father of the informant died on the spot. It is further alleged that co-accused Naseem Mian was carrying explosive and pistol, who fired on the informant but informant received no injury, Naseem Mian also took out gold chain from the neck of the father of the informant and mobile and took the key of the motorcycle and escaped from the scene with the motorcycle. On the basis of aforesaid accusation, the FIR was registered against five accused persons and two and three unknown persons. Names of the petitioners sprang up on the confession of co-accused Ranjeet Kumar and Raghubir.

It is submitted by learned counsels for the petitioners that there is specific accusation of firing against co-accused Umain Mian and Qaishar Mian when the gold chain, mobile and motorcycle had been taken by the co-accused Naseem Mian. The FIR does not reflect any accusation against the unknown persons. It is further submitted that subsequently a protest petition and a

criminal writ were filed on behalf of the informant side but the petitioners were not named therein nor the petitioners had been put on Test Identification Parade till date, though investigation has already concluded.

It is submitted by learned counsel for the informant that the FIR was lodged against two and three unknown persons and motorcycle of the informant was recovered from the possession of co-accused Ranjeet Kumar, who named the petitioners and others as the persons who participated in the occurrence and now the petitioners have already been chargesheeted.

Considering the fact that the FIR was lodged with specific accusation against the FIR named accused persons, let the above named petitioners be released on bail, on furnishing bail bonds of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 99 of 2014.

Ashwini/-

(Dinesh Kumar Singh, J)

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