

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19840 of 2015

Arising Out of PS.Case No. -225 Year- 2014 Thana -BELHAR District- BANKA

1. Kailash Yadav son of Jogeshwar Yadav resident of village- Bela P.S. Belhar, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20078 of 2015

Arising Out of PS.Case No. -225 Year- 2014 Thana -BELHAR District- BANKA

1. Birendra Yadav Son of Mahendra Yadav,
2. Surendar Yadav @ Surendra Yadav, Son of Mahendar Yadav, Both resident of village - Bela, P.S. - Belhar, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.19840 of 2015)
For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Shyam Bihari Singh(App)
(In Cr.Misc. No.20078 of 2015)
For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 29.09.2015 Both the above stated petitions arise out of Belhar P.S. Case no. 225/2014 registered under sections 364, 302 of the Indian Penal Code and 27 of the Arms Act and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners are named in the first information report with accusation that he along with other accused took the deceased and subsequently, in the next morning dead body of the deceased was found.

The contention on behalf of the petitioners is that informant is not eye-witness of the alleged occurrence but in course of investigation at paras 17 and 41 of the case diary, two witnesses ,who happen to be family members of the deceased, claimed to have seen petitioners and others taking away the deceased. It is further contended by learned counsel for the petitioners that deceased was a veteran criminal and he was killed by some unknown person but due to land dispute, petitioners have been implicated in this case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners 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 Chief Judicial Magistrate, Banka in Belhar P.S. Case no. 225/2014.

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(Hemant Kumar Srivastava,J)

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