

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32564 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BARH District- PATNA

1. Akhilesh Yadav S/o Brahmdeo Prasad Yadav @ Brahmdeo Yadav
Resident of Basobasi, P.S. Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45513 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BARH District- PATNA

1. Bikash Yadav @ Bhulla Yadav son of Ajit Yadav resident of village
Chabilatar, P.S. Pandarak, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32564 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Pandey

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

(In Cr.Misc. No.45513 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 06-11-2015 Both the Criminal Miscellaneous arise out of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 394, 302 and 34 of the I.P.C

Allegedly, Munshi of the informant after collecting the dues amount worth Rs. 13,00,000/- was coming and as soon as reached near the house of the informant three unknown miscreant came there and has tried to snatch cash on the point of weapon and on protest the accused persons started assaulting the Munshi of the informant with butt of pistol and in that process one of the accused persons fired which hit another co-accused who died at the spot and thereafter the accused persons fled away with cash of Rs.13,00,000/- snatched from the Munshi.

Submission is of false implication and that the name of the petitioner has been figured only on the basis of confessional statement. Nothing has been recovered from their possession and except confession there is no cogent and legal material in the entire case diary. The co-accused Arun Yadav who has confessed his guilt has already been allowed bail by another coordinate Bench of this Court vide Cr. Misc. No. 41304 of 2015 by order dated 14.10.2015. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the petitioners are not named and no test identification parade has been conducted.

In the facts and circumstances as stated above, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Barh, District- Patna in Barh P.S. Case No. 57 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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