

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27747 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -DANAPUR District- PATNA

Dharmendra Kumar son of Umesh Rai, R/o Mohalla- Bhata Road, Near
Devi Chaura, P.S.- Danapur, District- Patna, at present resident of Mohalla-
Tari Godawn, P.S.- Danapur, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.36637 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -DANAPUR District- PATNA

1. Jitendra Rai Son of Dinanath Rai Resident of village - Bhatta Road, Near
Devi Choura, Police Station - Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.27747 of 2015)

For the Petitioner/s : Mr. Dewendra Narayan Singh

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

(In Cr.Misc. No.36637 of 2015)

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Dr.Kr.Uday Pratap(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-09-2015 Above noted both the applications have arisen out of

one occurrence i.e Danapur P.S. Case No. 100 of 2015 registered

for the offences punishable under Sections 302/34 of the Indian

Penal Code and Section 27 of the Arms Act, as such they have

been heard together and are being disposed of by this common

order.



Allegedly, co-accused Suraj Rai and 5 others including the petitioners along with other associates came at the house of the informant and called his son Rajendra Bikram Singh @ Kunal with a plea to finance a vehicle, after one hour the informant was informed that his son was murdered near the house of Vijay Kumar and then the informant and other persons went there and saw Rajendra Bikram Singh @ Kunal injured with bullet injury in his head and he told that Suraj 'ma' and thereafter, he became unconscious. Danapur Police also arrived there and he was carried to Danapur Sub-Divisional Hospital where he succumbed to the injuries.

Submission is of false implication and that only one injury has been found by the doctor during post mortem and as per the deceased, the assailant was Suraj and not the petitioners.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that the petitioners and others have called the deceased, taken away and murdered him which fact has been supported during investigation by the witnesses.

In the facts and circumstances stated above, considering that the deceased has taken the name of Suraj and in post mortem and inquest only one firearm injury has been found,

chargesheet has already been submitted as such there is no chance of tampering with prosecution evidence, the petitioners above named of both cases, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 100 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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