

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46407 of 2015

Arising Out of PS.Case No. -108 Year- 2005 Thana -BRAHMPUR District- BUXAR

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1. Surendra Yadav Son of Late Sadhu Yadav,
2. Umashankar Yadav S/o Late Chandrika Yadav Resident of village + P.S.-
Brahmpur, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Opposite Party/s : Mr. Smt. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 07-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Brahmpur P.S.
Case No. 108/2005 registered for the offences punishable under
Sections 147, 148, 149, 342, 302 of the Indian Penal Code.

On behalf of the petitioners it is submitted that in the
year 2005, F.I.R. was registered on the basis of fardbeyan of the
informant Jambhu Yadav, wherein the petitioners are named but
after completion of investigation, the police submitted chargesheet
against other persons and not against these petitioners. The
petitioners were not sent up for trial. It seems that in course of
trial, the name of the petitioners again surfaced and thereafter the



prosecution filed an application under Section 319 Cr.P.C. for summoning the petitioners but the said application was rejected. Subsequently the order rejecting application under Section 319 Cr.P.C. by the learned trial court was set aside by this Court whereafter these petitioners have been summoned by the court below under Section 319 Cr.P.C.. The petitioners thereafter approached for pre-arrest bail but with some observation the prayer was rejected and then the petitioners have surrendered and are in custody since 18.08.2015 whereas, similarly situated other co-accused namely Lal Babu Yadav, Dev Kuamr Sah and Surendra Yadav have been allowed pre-arrest bail.

The learned A.P.P. fairly submits that earlier the petitioners were not sent up for trial.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge-VI, Buxar arising out of Brahampur P.S. Case No. 108 of 2005 subject to the conditions that one of the bailors must be 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.

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(Jitendra Mohan Sharma, J)