

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43894 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

1. Saket Choudhary Son of Vidhya Nand Choudhary Resident of Village - charan, P.S. - Mufassil (Munger), Distt. - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46566 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

1. Anil Yadav Son of Jhakho Yadav resident of village- Nath Tola, Sita Kund Dih, Police Station- Muffasil, District- Munger
2. Anil Yadav Son of Jhakho Yadav resident of village- Nath Tola, Sita Kund Dih, Police Station- Muffasil, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.47538 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

1. Raja Ram Yadav son of Anil Yadav, Resident of village- Nath Tola, Sita Kund Dih, P.S.- Muffasil, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.43894 of 2014)

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

(In Cr.Misc. No.46566 of 2014)

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar No. 3(App)

(In Cr.Misc. No.47538 of 2014)

For the Petitioner/s : Mr. Ambika Bhagat
For the Opposite Party/s : Mr. Chandra Bhushan Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

3 23-03-2015

All the above stated petitions arise out of Munger Muffasil P.S.Case No. 117 of 2014 registered under section 302 and other minor sections of the Indian Penal Code as well as 27 of the Arms Act and accordingly both the above stated petitions are being disposed of by this common order.

Two separate supplementary affidavits are filed on behalf of the petitioners.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State and learned counsel for the informant.

All the petitioners are named in the first information report but no specific allegation of firing has been leveled against the petitioners and it is only stated that petitioner in Cr. Misc. No.43894 of 2014 called the deceased to attend panchayati and after that the alleged occurrence took place. So far as, petitioner in Cr. Misc. No.46566 of 2014 is concerned, he is said to be an order giver but according to the prosecution case itself, he did not use any fire arm at the time of alleged occurrence. So far as, petitioner in Cr. Misc. No. 47538 of 2014 is concerned, it is alleged that he

along with some other co-accused chased the deceased when he tried to fleeing from the place of occurrence having sustained fire arm injury.

In course of investigation, some independent witnesses vide paragraph no.15 and 16 disclosed different story and stated that co-accused Manoj Choudhary and Jitendra Choudhary @ Jitna shot fire on the deceased.

Learned counsel appearing for the informant submits that a co-ordinate Bench of this Court has already rejected the bail prayer of co-accused Jitendra Choudhary @ Jitna but in my view, the case of co-accused Jitendra Choudhary @ Jitna is on quite different footing.

. Accordingly, all the above stated 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 the Chief Judicial Magistrate, Munger in Munger Muffasil P.S.Case No. 117 of 2014.

(Hemant Kumar Srivastava, J)

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