

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48189 of 2015

Arising Out of PS.Case No. -153 Year- 2015 Thana -GHOSI District- JEHANABAD

1. Dhananjay Manjhi Son of Late Jhopari Manjhi, Resident of Village-
Bana, P.S.- Khijarsarai, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50598 of 2015

Arising Out of PS.Case No. -153 Year- 2015 Thana -GHOSI District- JEHANABAD

1. Deepak Bhokta S/o Chamra Bhokta resident of Village - Hesla Bera, P.S.
- Angarha, District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48189 of 2015)

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.P.P.)

(In Cr.Misc. No.50598 of 2015)

For the Petitioner/s : Mr. Jharkhandi Upadhyay

Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 21-12-2015 Both the criminal miscellaneous applications are of the

same occurrence and, as such, have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned

Special P.P. representing the State.

Petitioners seek bail in connection with Ghosi P.S. Case No. 153 of 2015 registered for the offences punishable under Sections 302 201/34 of the Indian Penal Code and Section 3(2)(V) of the SC/ST Act.

Allegedly Brinda Choudhary, the husband of the informant, went at the brick kiln of Indu Yadav with labour Mahadeo on his call and thereafter the husband of the informant did not return and on enquiry brick kiln owner told her to see him at Ghosi and in the way the dead body of the husband of the informant was found. During investigation, on the basis of information furnished by spy, the names of the petitioners transpired and further the petitioner Dhananjay Manjhi confessed his guilt, giving description as to how the deceased was killed.

Submission is of false implication and that no one has seen the petitioners committing the crime, the alleged information furnished by spy and confessional statement has got no evidentiary value in the eye of law. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners deserve sympathetic considerations who are suffering in custody since 21.06.2015.

Learned Special P.P. opposes the prayer of bail.

In the facts and circumstances stated above,

considering that there is no direct evidence against the petitioners, they 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 C.J.M., Jehanabad arising out of Ghosi P.S. Case No. 153 of 2015 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.

(Jitendra Mohan Sharma, J)

sushma/-

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