

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24149 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Sameena Khatoon wife of Md. Ibrahim.
2. Md. Saukat Ali @ Md. Sokat Ali Son of Late Amir Ali.
3. Md. Sahzad son of Md. Ibrahim.
All resident of Village- Sendaury, Police Station- Hazipur Sadar, District
Vaishali.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.38606 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Md. Chand Son of Md. Sahid @ Sahim
2. Md. Sahid @ Sahim Son of Late Md. Sahabuddin
Both Resident of Village-Senduari, P.S.-Hajipur Sadar, District-Vaishali.

... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishor Prasad Sinha, Advocate
Mr. Pancham Lal Jaiswal
For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)
For the Opposite Party/s : Mr. Anita Kri.Singh(App)

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

ORAL ORDER

3 05-10-2015 Above noted both the applications have arisen out of

one occurrence i.e. Hajipur Sadar P.S. Case No. 132 of 2015

registered for the offences punishable under Sections 147, 148,

149, 452, 504, 506, 364, 427, 380, 307, 302, 324 and 326 of the Indian Penal Code, as such, they have been heard together and are being disposed of by this common order.

Allegedly, five months ago Sanjeev Kumar @ Putul the son of the informant performed love marriage with Chandni Khatoon the daughter of Md. Ajaj and being annoyed with that, the petitioners and other FIR named accused persons caught Sanjeev Kumar @ Putul and started assaulting him brutally with arms which they were holding and when Kumkum Patel @ Mantu Patel tried to rescue him, he was also assaulted and further they damaged the house hold articles and further took away Chandani and Sanjeev Kumar @ Putul and thereafter the dead body of Sanjeev Kumar @ Putul was found.

Submission is of false implication and that the statement of Chandni Khatoon has been recorded under Section 164 Cr.P.C. but the names of the petitioners are not there. There is no specific allegation against the petitioners. There were about 60-70 accused persons but only 23 persons have been named as accused. The Police has found the dead body in gunny bag. The petitioners are suffering in custody since 23.03.2015 and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that the petitioners are alleged to be the members of mob and the names of the petitioners have not come in the statement of Chandni Khatoon recorded under Section 164 Cr.P.C. vide paragraph 59 of the case diary.

In the facts and circumstances stated above, considering that against the petitioners there is no specific allegation and further their names have not been taken by Chandni Khatoon recorded under Section 164 Cr.P.C., the petitioners above named of both the 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, Vaishali in connection with Sadar Hazipur P.S. Case No. 132 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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