

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50552 of 2015

Arising Out of PS.Case No. -271 Year- 2015 Thana -KHAZANIHAT District- PURNIA

1. Govind Mishra @ Govind Kumar Rai, Son of Santosh Rai, resident of Village- Mandir Tola, Baidyanath Falsa, Singhimari, Police Station- Korhobari, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53821 of 2015

Arising Out of PS.Case No. -271 Year- 2015 Thana -KHAZANIHAT District- PURNIA

1. Raj Kumar Sharma @ Bauka Sharma @ Banka Sharma, son of Jawahar Sharma, resident of Village Maranga, P.S. K. Hat (Maranga), District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.50552 of 2015)

For the Petitioner/s : Mr. Arun Prasad Ambastha

For the Opposite Party/s : Mr. Reena Sinha (App)

(In Cr.Misc. No.53821 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Dr.Ajeet Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 16-12-2015 Above noted both applications have arisen out of one occurrence i.e. K. Hat (Sahayak) P.S. Case No. 271 of 2015 registered for the offences punishable under Sections 302, 120B/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, when the informant and his brother were selling clothes in Cloth Shop, on 24.04.2015 at about 10:30 am the petitioners and other co-accused named in the FIR and 8-10 unknown armed with pistols came to the shop and took away Chandra Prakash, the brother of the informant, out of the shop and co-accused Chhotu Yadav @ Dhananjay fired from his pistol upon Chandra Prakash and after taking his brother to some distance all the other accused persons fired resulting Chandra Prakash, the brother of the informant, died.

Submission is of false implication and that against the petitioners there is no specific allegation. Petitioner Govind Mishra has got no criminal antecedent whereas petitioner Raj Kumar Sharma has got one more case in which he is on bail, chargesheet has already been submitted and there is no chance of tempering with the prosecution evidence. Co-accused Binay Sah has been allowed pre arrest bail whereas Ranjeet Kumar Yadav, Rakesh Yadav, Rupesh Yadav and Lalu Yadav have been allowed regular bail by another co-ordinate Benches of this Court and, as such, petitioners also deserve sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the petitioners are named in the FIR and there is allegation that all opened fire.

In the facts and circumstances stated above, considering that other co-accused have been allowed either anticipatory bail or regular bail and specific allegation is against Chhotu Yadav @ Dhananjay, 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 Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 271 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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