

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51478 of 2014

Arising Out of PS.Case No. -309 Year- 2014 Thana -BIHPUR District- BHAGALPUR

1. Bhawesh Kumar @ Bhawesh Kumar Singh S/o Raso Singh
2. Manohar Kumar S/o Umesh Singh
Both Resident of Village Manoharpur, P.S. Bihpur (Bhawanipur), District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.1326 of 2015

Arising Out of PS.Case No. -309 Year- 2014 Thana -BIHPUR District- BHAGALPUR

1. Gopal Kumar Son of Ambika Singh Resident of Village - Manoharpur,
P.S- Bihpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51478 of 2014)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. P.K.Choursiya(App)

(In Cr.Misc. No.1326 of 2015)

For the Petitioner/s : Mr. Birendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 03-03-2015

Above noted both the applications have arisen out of one occurrence i.e. Bihpur (Bhawanipur) P.S. Case No. 309 of 2014 registered for the offences punishable under Sections 392, 394, 398 of the Indian Penal Code and Sections 25(1-b)A, 26/35

of the Arms Act as such they have been heard together and are being disposed of by this common order.

Allegedly, when the informant was going to get the treatment of mother of Rajeev Ranjan to Bhagalpur on motorcycle, one person standing on the left side of the road assaulted him with gun like instrument which injured his left shoulder and left temporal region. He was the pillion rider and the motorcycle was being driven by Moolchandra Sharma. They went Police Station and informed the Station House Officer of Bihpur then the Police came and arrested four persons. On search, one country made musket was seized from petitioner Gopal Kumar, one mobile was recovered from possession of petitioner Bhavesh Kumar and from possession of petitioner Manohar Kumar also a mobile was recovered whereas from possession of Bikesh singh one wrist watch was recovered.

Submission is that the petitioners are suffering in custody since 12.9.2014 having no criminal antecedent. It is further submitted that co-accused Bikesh Kumar Singh who was also apprehended along with the petitioner has already been allowed bail by another Bench of this Court vide order dated 19.1.2015 passed in Cr. Misc. No. 2130 of 2015 and as such the petitioners deserve sympathetic consideration to which the learned

APP opposes.

In the facts and circumstances stated above and considering the period of detention, 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, Naugachia (Bhagalpur) in connection with Bihpur (Gopalpur) P.S. Case No. 309 of 2014, 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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