

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51076 of 2014

Arising Out of PS.Case No. -81 Year- 2005 Thana -PARAIYA District- GAYA

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1. Awadh Naresh @ Beyas Yadav Son of Late Bhuneshwar Yadav Resident
of Village - Khaira, P.S- Paraiya, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10469 of 2015

Arising Out of PS.Case No. -81 Year- 2005 Thana -PARAIYA District- GAYA

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1. Shiv Kumar Yadav S/o Late Dudheshwar Yadav, R/o Village- Khaira,
P.S.- Paraiya, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51076 of 2014)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Dasrath Mehta (App)

(In Cr.Misc. No.10469 of 2015)

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Ganesh Prasad Singh (App)

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

04/ 02.04.2015 Both the above stated petitions arise out of Paraiya P.S.

Case no. 81/2005 registered under section 302/34 of the Indian Penal

Code, 27 of the Arms Act, 17 CLA Act and accordingly, both the

above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

No doubt, occurrence took place in the year 2005 but the first information report was lodged against unknown persons and in course of investigation, one co-accused was arrested in the year 2006 who confessed his guilt disclosing names of these petitioners as his associates.

It would appear from submissions of the parties that investigation against these petitioners remained continued but neither any warrant nor any process was ever issued.

However, petitioner in Cr. Misc. no. 51076/2014 earlier filed Cr. Misc. no. 35848/2009 for grant of anticipatory bail which was rejected on 18.12.2009 but even thereafter, no process was issued against him. Subsequently, he surrendered and remanded in the present case.

Almost similar argument is advanced in Cr. Misc. no. 10469/2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind that petitioner in Cr. Misc. no. 10469/2015 does not have any criminal antecedent and only one case has been registered against the petitioner in Cr. Misc. no. 51076/2014 prior to registration of the present case, let both petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Smt. Kalpana Srivastava, Judicial Magistrate, Ist Class, Gaya/concerned court in Paraiya P.S. Case no. 81/2005.

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(Hemant Kumar Srivastava,J)