

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.897 of 2015

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Md. Afroj @ Pappu, Son of Md. Ayub, resident of Village - Saharsa Basti,
Ward No- 38, P.S.- District – Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.2748 of 2015

Arising out of PS.Case No. -424 Year- 2013 Thana -SAHARSA District- SAHARSA

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Md. Shamsher @ Md. Shamser @ Md. Mantu, Son of Mir Quddus, resident
of vill-Saharsa Basti,P.S+Distt-Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.897 of 2015)

For the Petitioner : Mr. Sabal Kr. Jha, Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

(In Cr.Misc. No.2748 of 2015)

For the Petitioner : Mr. Diwakar Prasad Singh, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 14-05-2015 Since both the cases arise out of the same P.S. Case No.,

a common order is being passed.

The petitioners are apprehending their arrest in
connection with Saharsa P.S. Case No. 424 of 2013 for the
offences instituted under Sections 302/34 and 120(B) of the Indian
Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the informant,



Ramdeo Yadav has given written information to the S.H.O. Sadar P.S. Saharsa on 17.08.2013 by mentioning therein that his son Bishnu Prabhakar @ Yugal Kishor Yadav was engaged in doing Chimni Bhattha business and he was residing at Batraha in a rented house and on 16.08.2013 at 8' O clock in the night at Batraha residence of Bishnu Prabhakar @ Yugal Kishor Yadav, Kamlesh Yadav, Ramchandra Yadav, Kishor Sharma, Madan Sharma @ Madan Das, Umesh Sah came and taken away Bishnu Prabhakar @ Yugal Kishor Yadav but thereafter Bishnu Prabhakar @ Yugal Kishor Yadav did not return to the house and in the morning, the informant got knowledge from the persons that two persons have been killed then the informant went there and he has found his son Bishnu Prabhakar @ Yugal Kishre Yadav lying in a pool of blood and also found dead body of Shambhu Sah lying there. The wife of Shambhu Sah told that Md. Wasim alongwith two criminals have given threatening to kill Shambhu Sah and there was some difference of the son of the informant with Kamlesh Yadav, Umesh Sah, Ramchandra Yadav due to money transaction.

It has been submitted on behalf of the petitioners that the petitioners are not named in the F.I.R. The specific allegations have been attributed against six persons being named in the F.I.R. Further it has been submitted that the petitioners have no criminal

antecedent. Further it has been submitted that the name of the petitioners have appeared in the present case on the basis of the confessional statement of the co-accused which has no evidential value in the eye of law. It is further submitted that the co-accused has inimical terms with the petitioners.

On behalf of the State, it has been submitted that the name of the petitioners appeared in course of investigation and the present case is instituted for an offence under Sections 302/34 and 120(B) of the I.P.C.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners in connection with Saharsa P.S. Case No. 424 of 2013, pending in the court of the learned C.J.M. Saharsa. Any how, when the petitioners seek their regular bail, the learned court below without being prejudiced to this order shall consider the application of the petitioners on its own merit. The learned court below may consider the submissions made on behalf of the petitioners while hearing the regular bail of the petitioners.

U.K./-

(Sudhir Singh, J)

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