

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17678 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

Vidyanand Sharma son of Late Akhileshwar Sharma, resident of village-
Bhaikh, P.S.- Makhdumpur, District- Jehanabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.20330 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

- 1. Shailesh Kumar @ Shailendra Kumar @ Buttan S/o Vijay Kumar Singh
- 2. Amit Kumar S/o Sri Devendra Singh, Both are Resident of Village
Tilkai, P.S. Makhdumpur, District Jehanabad.

.... Petitioners

Versus

The State of Bihar

..... Opposite Party

Appearance :

(In Cr.Misc. No.17678 of 2015)

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Shardanand Jha, APP

(In Cr.Misc. No.20330 of 2015)

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 07-09-2015

Heard.

These two applications under Section 438 of the Code of Criminal Procedure have been filed on behalf of the petitioners seeking pre-arrest bail.

It is contended that the petitioners are innocent and they have been falsely implicated in the case. It is submitted that

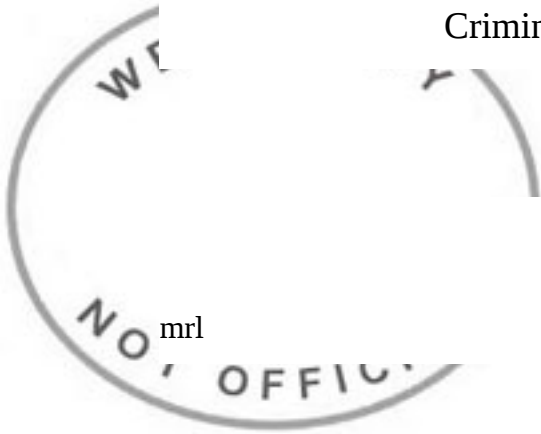


two of the relatives of the petitioners were killed by certain accused persons on the relevant date. Though the police has alleged that on 11.2.2015 at 9 PM, while the police officers reached Referral Hospital, Makhdumpur, for obtaining injury report and the postmortem report of the deceased Satish Sharma, the petitioners along with other accused persons used abusive language, blocked the road and manhandled the Block Development Officer, the fact of the matter is that the police had implicated innocent persons who were raising protest against the inaction of the police. It is further contended that though there is allegation that the local Block Development Officer was manhandled by the accused persons, there is no injury report on record. He has further contended that apart from the Government officials, no independent person has supported the allegation made in the FIR during investigation of the case.

Learned counsel for the State has opposed the prayer for bail. He submits that there is statement of the Block Development Officer, Makhdumpur, that he was manhandled by the accused persons and he was treated in hospital, but he concedes that there is no injury report in the case dairy. He further concedes that no independent person has been examined under Section 161(3) of the Code of Criminal Procedure during investigation.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in

connection with Makhdumpur PS Case No. 47 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



(Ashwani Kumar Singh, J)

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