

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39502 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIHPUR District- BHAGALPUR

Avnish Kumar @ Avnish Kunwar Son of Binod Kumar Resident of Village - Jairampur, P.S. - Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42391 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIHPUR District- BHAGALPUR

Kare Yadav & Ors.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51060 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIHPUR District- BHAGALPUR

Manoj Rai Son of Late Gani Ray @ Gani Rai Resident of Village - Marwa, P.S.- Bihpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39502 of 2014)

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

(In Cr.Misc. No.42391 of 2014)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

(In Cr.Misc. No.51060 of 2014)

For the Petitioner/s : Mr. Sidhendra Narayan Singh

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

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 09-02-2015

Heard learned counsel for the petitioners and the State.

All the three applications arise out of Bihpur P. S. Case No. 402/2013, as such they have been heard together and are being disposed of by this common order.

The allegation is that on 14.11.2013, the informant and his son Manoj Kumar Singh (deceased) were grazing she buffalo at Bhatotar Bahiyar. In the meantime twenty persons arms with various weapons came there and shot fire at the deceased. Deceased, Manoj Kumar Singh, with three companions also shot fire. In the meantime, the rifle of the deceased went out of order and thereafter, the accused shot fire, which caused the death of the deceased and the companions of the deceased succeeded in saving their life.

It has been submitted that during investigation, the name of the petitioners have appeared in paragraph- 43 of the case diary. The spy of the Investigating Officer has disclosed the name of the assailants whereas in paragraph-56 of the case diary Anuj Singh disclosed the name of the assailants on 26.11.2013 and the occurrence has taken place on 14.11.2013. After investigation, the charge sheet has been submitted. It is further submitted that there has been occurrence of firing from the both sides.

Learned counsels for the other side have submitted that

the petitioners have also criminal antecedents.

Considering the facts and circumstances, the petitioners Avinash Kumar @ Avinash Kunwar of Cr. Misc. No. 39502 of 2014 and Manoj Rai of Cr. Misc. No. 51060 of 2014 are directed to be released on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each to the satisfaction of the learned A.C.J.M., Naugachia/ Court concerned in connection with Bihpur P.S.Case No. 402/2013 and petitioner Kare Yadav, Suraj @ Dhiraj Choudhary and Dharo @ Dharmendra Yadav are directed to be released on furnishing bail bond of Rs. 10,000/- (Ten thousand) to the satisfaction of the learned Additional Sessions Judge-4th Naugachia in connection with Sessions Trial No. 693/2014 arising out of Bihpur P.S.Case No. 402/2013 after ***framing of charge*** with following conditions :-

- I) One of the bailors will be the close relative of the petitioners.
- II) The petitioners will not indulge in similar or in any other offence.
- III) The petitioners will be well represented in the Court.
- IV) In case of absence for two consecutive dates

or in violation of the terms of the bail, their
bail bond will be liable to be cancelled by the
Court concerned.

(Amaresh Kumar Lal, J)

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