

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31843 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -KAJRA District- LAKHISARAI

1. Mukesh Yadav Son of Prayag Yadav R/o village - Basuhar, P.S. Kajra, District -
Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.31396 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -KAJRA District- LAKHISARAI

1. Subhash Yadav S/o Late Manik Yadav R/o Village Basuhar, P.S. Kajra, District
Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31843 of 2015)

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Mustaque Alam(App)

(In Cr.Misc. No.31396 of 2015)

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Mustaque Alam (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 05-11-2015 Both the Cri. Misc. have been arisen out of same P.S.

Case and, as such, have been heard together and are being

disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Kajra P.S.

Case No. 59 of 2014 registered for the offences punishable under

Sections 341, 302, 307, 120 (B)/34 of the Indian Penal Code and

Section 27 of the Arms Act.

Allegedly being instigated by co-accused Tanik Singh, the petitioners Subhash Yadav and Mukesh Yadav opened indiscriminate firing upon Virendra Singh, the younger brother of the informant, resulting he fell down and started twisting and then co-accused Tanik Singh also opened fire, causing his death.

Submission is of false implication and that it appears that the informant is not an eye witness to the occurrence. The case was registered by Ranjit Kumar, Officer-in-charge, Kajra Police Station vide Kajra P.S. Case No. 61 of 2014 for the offences punishable under Sections 25 (1-b)A, 26, 35 of the Arms Act in which co-accused Gaurav Yadav @ Sukhesh Yadav was apprehended and he confessed his guilt, giving details as to why he and Gautam Tanti caused the death of Virendra Singh by fire arm and, as such, the shooter of the deceased was Gaurav Yadav and Gautam Tanti and not the petitioners. However after investigation chargesheet has been submitted against the petitioners also and similarly situated co-accused Tanik Singh @ Binay Singh has been allowed bail vide order dated 24.06.2015 passed in Criminal Miscellaneous No. 10097 of 2015 by another co-ordinate Bench of this Court, vide Annexure-3. Para 93-95 of the case-diary have also been referred to show that Gaurav Yadav and Gautam Tanti have shot Virendra Singh, the Mukhiya.

Learned A.P.P. does not controvert the aforesaid submissions.

In the facts and circumstances stated above, considering that similarly situated co-accused Tanik Singh @ Binay Singh has already been allowed bail and, as such, the petitioners, above named, are also directed to be released on bail **after framing of charge** on execution of 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, Lakhisarai arising out of Kajra P.S. Case No. 59 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners will 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.

sushma/-

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(Jitendra Mohan Sharma, J)