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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28520 of 2014

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1. Shiv Shankar Dwivedi @ Guddu Dubey Son of Swaminath Dubey Resident of Village - Jhanda Chhapar, Police Station - Assaon,Dist. - Siwan
2. Rajkishor Dwivedi Son of Late Kishundeo Dubey Resident of Village - Jhanda Chhapar, Police Station - Assaon,Dist. - Siwan
3. Sri Bhagwan Dubey Son of Late Kishundeo Dubey Resident of Village - Jhanda Chhapar, Police Station - Assaon,Dist. - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar(App)
For the Informant : Mr.Ajay Mukherjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-01-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Assaon P.S.Case No.18 of 2013 registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

The petitioners are named in the F.I.R. along with one Sanjay Singh with allegation that they were last seen with the son of the informant and further the son of the informant had gone on the motor cycle of Sanjay Singh and after some time the petitioners also went in that direction. During investigation mobile of the deceased was found from possession of one Munna Rai vide

para 31 of the case diary who disclosed that he took mobile from Hitesh Kumar and Hitesh Kumar confessed that he killed the deceased with the help of one Sunil Kumar Singh.

Submission at the bar is that besides confession nothing has come in the case diary and as per the confession of Hitesh Kumar that the deceased was killed by him and one Sunil Kumar Singh and they are enjoying the privilege of regular bail and further Sanjay Singh has already been granted regular bail by a coordinate Bench of this Court vide order dated 19.3.2014 passed in Cr.Misc. No.34363 of 2013 and the case of the petitioners is on better footing to which learned A.P.P. duly assisted by the learned counsel for the informant opposes.

In the facts and circumstances of the case and considering the confession of Hitesh Kumar and further noticing that Sanjay Singh on whose motor cycle the son of informant had gone has already been allowed regular bail and the case of the petitioners being on better footing, Shiv Shankar Dwivedi, Raj Kishor Dwivedi and Sri Bhagwan Dubey in case of their arrest or surrender before the court below within one month from the receipt/production shall be released on bail on execution of bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in

Assaon P.S. Case no.18 of 2013 with condition as laid down under Section 438(2) of Cr.P.C.

(Jitendra Mohan Sharma, J)

AnilKrSinha/-

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