

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27420 of 2014

Arising Out of PS.Case No. -88 Year- 2003 Thana -LADANIA District- MADHUBANI

1. Ram Nandan Mandal S/o Ram Ashis Mandal Resident of Village Godam
Tole, P.S. Ladaniya, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.30559 of 2014

Arising Out of PS.Case No. -88 Year- 2003 Thana -LADANIA District- MADHUBANI

1. Rahman Miyan @ Md. Rahman Miyan Son of Md. Tushlim Miyan,
Resident of Village - Godam Tole, P.S.- Ladaniya, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.27420 of 2014)

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Adv.
Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. A.K.Roy, Adv.

(In Cr.Misc. No.30559 of 2014)

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. A.K.Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 03-02-2015 Since these two petitions for bail arise out of a

common F.I.R. and common Sessions Trial, they are being heard

together and are being disposed of by a common order.

The petitioners seek bail in connections with

Sessions Trial No. 320 of 2007 arising out of Ladaniya P.S. Case

No. 88 of 2003 initially registered for the offence punishable under section 364 read with 34 of the Indian Penal Code but later on section 302 of the Indian Penal Code was also added in the F.I.R.

It has been contended that the petitioners were not named in the F.I.R. On conclusion of investigation, the police did not send them up for trial. Even the Magistrate before whom the police report was submitted did not take any cognizance as against the petitioners. However, after commitment of the case when the trial proceeded after framing of charge against other accused persons, the Sessions Court summoned the petitioners along with 9 others under section 319 of the Code of Criminal Procedure. Out of 11 accused persons summoned under section 319 of the Code of Criminal Procedure, 5 were granted bail by a Bench of this Court on 22nd January, 2015 in Cr. Misc. No. 2822 of 2015 and 3 others were granted bail on 10th June, 2014 in Cr. Misc. No. 22564 of 2014. The contention is that the case of the petitioners stands on identical footing to that of the other accused persons, who have already been granted bail by different orders passed by different Benches of this Court.

Learned counsel for the State does not dispute the factual aspect of the matter.

Having regard to the facts and circumstances of the case, the petitioner Ram Nandan Mandal of Cr.Misc. No. 27420 of 2014 and petitioner Rahman Miyan @ Md. Rahman Miyan of Cr.Misc. No. 30559 of 2014 are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Madhubani in connection with Sessions Trial No. 320 of 2007 arising out of Ladaniya P.S.Case No.88 of 2003.

(Ashwani Kumar Singh, J)

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