

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6587 of 2015

Arising Out of PS.Case No. -514 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Manoj Yadav Son of Late Shiv Sagar Yadav Resident of Village - Pokhar
Binda, P.S.- Path Khauli, O.P. - Bagaha, Dist.- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.9000 of 2015

Arising Out of PS.Case No. -514 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

Brajesh Kumar @ Vikash Son of Nakchhed Sah resident of village -
Bharwatola, Gukhaliya, P.S. Chanpatiya, District - West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.6587 of 2015)

For the Petitioner : Mr. Bimalesh Kumar, Advocate.

For the Opposite Party : Mr. Bharat Lal(App)

(In Cr.Misc. No.9000 of 2015)

For the Petitioner : Mr. Vibhakar Kumar, Advocate.

For the Opposite Party : Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-04-2015 Since both the cases have arisen out of one occurrence,

they are being disposed of by this common order.

Heard both sides.

The petitioners seek bail in Motihari Town P.S. Case
No. 514 of 2014, corresponding to Trial No. 8078 of 2014,

registered for the offences punishable under Sections 379 and 364 of the Indian Penal Code.

The informant alleged that someone hired the vehicle of the informant which was being driven by the father of the informant. The informant has expressed doubt that some untowards incident has occurred with his father.

Learned counsel for the petitioners submits that the vehicle was recovered from a lonely place and except the confessional statement of the petitioners and other accused persons there is no tangible evidence. The petitioners were not put on test identification parade. Similarly situated accused person Sanjay Yadav @ Guddu Yadav has already been enlarged on bail vide order dated 13.02.2015 passed in Cr. Misc. No. 5533 of 2015.

It appears that while the father of the informant was driving the vehicle, but the miscreants kidnapped the driver and also took away the vehicle. It appears that for the first time the name of Lal Bihari and Manoj Yadav surfaced in the case. Thereafter, Manoj Yadav and other accused persons were apprehended and they have also confessed their guilt. The alleged vehicle was not recovered from the possession of the petitioners nor the petitioners were put on test identification parade. The petitioners are in jail for about eight months.

Considering the facts aforesaid, the petitioners above named are directed to be enlarged 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 Sri Praveen Kumar Singh, the learned Judicial Magistrate 1st Class, Sadar Motihari, East Champaran in connection with Motihari Town P.S. Case No. 514 of 2014, corresponding to Trial No. 8078 of 2014.

(Prabhat Kumar Jha, J.)

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