

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30628 of 2015

Arising Out of PS.Case No. -497 Year- 2014 Thana -SIWAN CITY District- SIWAN

1. Shailendra Yadav Son of Laljee Yadav Resident of village - Ali Nagar,
Police Station Kotwali Gorakhpur, District - Gorakhpur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.41471 of 2015

Arising Out of PS.Case No. -497 Year- 2014 Thana -SIWAN CITY District- SIWAN

1. Upendra Singh son of Late Visheshwar Singh, Resident of village-
Visheshwarpuram, Police Station- Siwan (Town), Disrict- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44648 of 2015

Arising Out of PS.Case No. -497 Year- 2014 Thana -SIWAN CITY District- SIWAN

1. Vikas Pal Singh @ Vikas Pal @ Vikki Son of Satendra Pal Singh
Resident of Village - Piparpati Vasti, Police Station - Lalganj, District -
Basti (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.30628 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Zeyaul Hoda, Advocate

For the Opposite Party/s : Mr. M. Rab (App)

(In Cr.Misc. No.41471 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Zeyaul Hoda, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

(In Cr.Misc. No.44648 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Zeyaul Hoda, Advocate.
For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 30-10-2015

All the above mentioned Criminal Miscellaneous arise out of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 302, 120 (B) and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, father of the informant along with his friend Manoj Kumar had come to attend marriage invitation at Gitanjali Hotel, Siwan and after one hour i.e. at 10.07 P.M. the informant was informed that his father has been shot dead on the road near Krishna Cinema, Siwan. During investigation name of the petitioners transpired in the confessional statement of petitioner Shailendra Yadav and further petitioner Vikas Pal Singh @ Vikas Pal @ Vikki also confessed his guilt stating as to how the father of the informant was murdered. Submission is of false implication and that the petitioners are suffering in custody without any legal and cogent evidence. The confessional statements made before police has got no evidentiary

value in the eye of law. There is no direct or circumstantial evidence against them. Not a single independent witness has supported the case and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that petitioner Shailendra Yadav and Vikas Pal Singh @ Vikas Pal @ Vikki have confessed their guilt.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Siwan in Siwan Nagar P.S. Case No. 497 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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