

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49293 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

1. Kare Sharma , son of Anup Lal Sharma

2. Anup Lal Sharma son of Puran Sharma

Both are resident of village Jabrudas Tola Police Station (Kadwa)

Dholbajja District Bhagapur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Arun Kumar (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-03-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor.

Two petitioners, who are in custody in connection with
Sessions Trial No. 663 of 2014 arising out of Dholbajja
(Kadwa) P.S. Case No. 4 of 2014 registered for the offence under
Section 302, 34 of the Indian Penal Code and Section 27 of the
Arms Act have prayed for grant of bail.

Learned counsel for the petitioners submits that F.I.R.
was lodged against unknown. However, subsequently on suspicion
petitioners along with three other persons were made accused. He
has argued that one of the similarly situated co -accused namely
Mahesh Mandal has been extended the privilege of bail by this
court by order dated 25.9.2014 passed in Cr. Misc. No. 33911 of

2014.

Learned Additional Public Prosecutor has opposed the prayer of the petitioners. However, he was not in a position to distinguish the case of the petitioners with the co-accused who has been granted bail.

Keeping in view the fact that co-accused, almost in similar circumstances, has already been granted bail, there is no reason to refuse the prayer for bail to the petitioners.

Let both the petitioners namely **Kare Sharma and Anup Lal** be enlarged on bail on furnishing bail bonds of Rs. 10000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District And Sessions Judge, Naugachia in connection with S.T. No. 663 of 2014 arising out of Dholbajja (Kadwa) P.S. Case No. 4 of 2014 on a condition that one of the bailors must be blood relative of the petitioners and secondly during the trial before the court below both the petitioners shall remain physically present on each and every date. If continuously on two dates the petitioners remain absent without prior permission of the trial court their bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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