

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31056 of 2014

Arising Out of PS.Case No. -218 Year- 2014 Thana -MOTIHARI CITY District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Manoj Kumar, S/o Baiju Prasad, resident of Chhatauni, P.S.- Chhatauni, Dist.- East Champaran
 2. Madan Prasad, S/o Bundela Prasad, resident of vill.- Puran Chhapra, P.S.- Chakia, Dist.- East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Adv.

For the Opposite Party/s : Mr. Md.Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-01-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Motihari Town P.S. Case No. 218 of 2014 registered for the offences punishable under Sections 302, 307, 326 and 120B/34 of the Indian Penal Code, seek the privilege of pre-arrest bail.

Allegedly, two motorbikes borne six miscreants after seeing Amit Kumar ordered to kill him and then co-accused Shambhu Prasad and his son Rohit Kumar took out revolver and fired upon Amit Kumar indiscriminately. The petitioner and other co-accused fled away with motorcycle.

Submission is that against the petitioner, there is no allegation for committing any overt act and his name has only been taken. Similarly situated co-accused Rajesh Kumar has been allowed privilege of pre-arrest bail by this Court vide Cr. Misc. No. 30339 of 2014 dated 20.01.2015 and as such, the petitioners deserve sympathetic consideration, to which the learned A.P.P. fairly submits that against the petitioners there is no allegation for committing any overt act.

In the facts and circumstances as stated above, the petitioners, Manoj Kumar and Madan Prasad, in case of their arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 218 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J.)

Vats/-

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