

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47813 of 2015**

Arising Out of PS.Case No. -141 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

1. Badal Gwala, Son of Ruplal Gwala, Resident of village - Jharipara,  
Police Station - Rajganj, District - Jalpaigori (West Bengal).

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

with

**Criminal Miscellaneous No.47901 of 2015**

Arising Out of PS.Case No. -141 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

1. Rahul Kumar, Son of Beni Yadav, Resident of Village - Naya Tola  
Jorabganj, P.S. - Kordha, District - Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

with

**Criminal Miscellaneous No.50209 of 2015**

Arising Out of PS.Case No. -141 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

1. Aakash Kumar  
2. Prem Kumar Yadav, Both are sons of Harro @ Harish Chandra @  
Harish Chandra Yadav, Resident of village - Naya Tola, Jarabganj, Police  
Station - Korha, District - Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

(In Cr.Misc. Nos.47813 of 2015 and 47901 of 2015)

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar 2 (APP)

(In Cr.Misc. No.50209 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.

For the Opposite Party/s : Mr. Dr. M.K.Gautam(APP)

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

ORAL ORDER

2 04-11-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Badal Gwala, Rahul Kumar, Akash Kumar and Prem Kumar Yadav , in connection with Bihariganj Police Station Case No. 141 of 2015, under Sections 393 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Uma Shankar Prasad Singh and Mr. Sanjay Kumar No.7, learned Counsel for the petitioners, and Mr. Shailendra Kumar-2 and Dr. M.K. Gautam, learned Additional Public Prosecutors, appearing on behalf of the State.

In view of the fact that the accused above-named have been in custody since 18.7.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioners in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' liberty on bail would adversely affect their trial, it is, in the interest of

justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties each, each of the like amount, subject to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Udakishunganj, District- Madhepura, in connection with Bihariganj Police Station Case No. 141 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

**(I.A. Ansari, ACJ)**

K.C.jha/-

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