

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.848 of 2016

Arising Out of PS.Case No. -608 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Chandan Yadav Son of Lal Babu Rai Resident of Village Kanya Thar, P.s
Bochhan district Muzaffarpur..... Petitioner

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.2886 of 2016

Arising Out of PS.Case No. -608 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Kundan Kumar Son of Birendra Prasad @ Niranjan Mandal @ Birendra
Mandal, resident of Mohalla- Sikandarpur, Ward No. 13, P.S.- Town,
District- Muzaffarpur..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.848 of 2016)

For the Petitioner/s : Mr. Subodh Prasad

For the Opposite Party/s : Mr. H.A.Khan(App)

(In Cr.Misc. No.2886 of 2016)

For the Petitioner/s : Mr. Prashant Sinha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 09-03-2016 Above noted both the applications have arisen out of

one occurrence i.e. Muzaffarpur Town P.S. Case No. 608 of 2015

registered for the offences punishable under Sections 302, 120B of

the Indian Penal Code and as such they have been heard together

and are being disposed of by this common order.

Allegedly, in the occurrence co-accused Suraj Kumar

shot Sarfraj on his head and co-accused Dina Nath Mahto shot

Sarfraj in his ribcage, Pramod Mahto, Deepak Kumar and Sanni

Kumar also opened indiscriminate firing. Sarfraj, the brother of the informant, died at the spot. The motive behind the occurrence is dispute of passage.

Submission is of false implication and that the petitioners are not the assailant rather the assailants are Suraj Kumar and Dina Nath Mahto, witnesses vide paragraphs 6, 7 and 8 have stated that the petitioners opened firing in air and as such the petitioners deserve sympathetic consideration as similarly situated co-accused Sunny Kumar has been allowed bail vide Cr. Misc. No. 8062 of 2016 by another co-ordinate Bench of this Court.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioners have also opened fire and they killed the brother of the informant.

In the facts and circumstances stated above, considering that the assailants are co-accused Suraj Kumar and Dina Nath Mahto, the petitioners above named of the applications are directed to 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, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No.

608 of 2015, 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.

(Jitendra Mohan Sharma, J)

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