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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5192 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -PASRAHA District- KHAGARIA

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1. Bisho Das Son of Late Rasik Das.
2. Raj Kumar Das @ Raja Vidyarthi @ Raj Kumar Son of Bisho Das. Resident of Village:- Tahay, P.S.- Pasrah District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Ahtash Ali Khan (APP)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 25-02-2016 This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Bisho Das and Raj Kumar Das @ Raja Vidyarthi @ Raj Kumar, in connection with Pasraha Police Station Case No. 91 of 2015, under Sections 341/448/302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application and materials on record.

Heard Mr. Ram Sumiran Rai, learned Counsel for the petitioners, and Mr. Ahtash Ali Khan, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named have been in custody since 24.06.2015 in connection with the

case aforementioned and similarly situated co-accused, namely, Bisundeo Das @ Bisnudeo Das, has been granted bail by a Bench of this Court by the order, dated 06.01.2016, passed in Cr. Misc. No.434 of 2016, on the ground that co-accused Pankaj Sharma and Akhilesh Das @ Ghebna Das were the ones, who had fired shot on the deceased and not the co-accused, namely, Bisundeo Das @ Bisnudeo Das, coupled with the fact that the present petitioners were not the assailants and their case stand in the same footing as does the case of Bishundeo Das @ Bisnudeo Das, perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- each with two sureties, each of the like amount, subject to the satisfaction of Mr. Ravi Ranjan, Judicial Magistrate 1st Class, Khagaria, in connection with Pasraha Police Station Case No. 91 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)

Mkr./-

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