

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8891 of 2016

Arising Out of PS.Case No. -172 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Manoj Kumar @ Manoj Yadav Son of Akalu Yadav Resident of Village Gangti, P.S. - Barachatti, District - Gaya.
 2. Pintu Kumar @ Pintu Yadav Son of Keshar Yadav Resident of Labhuni, P.S. - Barachatti, District - Gaya.
 3. Rajendra Kumar @ Rajendra Yadav Son of Meghan Yadav Resident of Village - Pachambha, P.S. - Barachatti, District - Gaya.

.... Petitioners

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and learned APP
for the Sate.

The petitioners seek bail in connection with Barun P.S.
Case No. 172 of 2015 registered for the offences punishable under
Sections 399, 402, 412, 120B of the Indian Penal Code and
Sections 25(1-B)A, 26/35 of the Arms Act.

Allegedly, acting on an information that some miscreants
have assembled to commit theft on G.T. road near Shiris Kasturba
Residential School, the informant and other police personnel went
there and found one tractor and one motorcycle standing in the
compound of the school and after chase six miscreants were
arrested including the three petitioners and from possession of
Manoj Kumar one mobile, from possession of Pintu Kumar also

mobile and cash of Rs. 7500/- and from possession of Rajendra Kumar one mobile were recovered whereas from possession of other co-accused firearms and cartridges were recovered.

Submission is of false implication and that no weapon or arms was recovered from conscious possession of the petitioners, mobile and cash recovered are of the petitioners respectively, no theft article was recovered, motorcycle belongs to petitioner no. 1 Manoj Kumar which was purchased by him on 16.11.2015 vide annexure-2, they have been made victim of circumstances and as such they deserve sympathetic consideration as they have got no concern with the said tractor. In the confessional statement of co-accused Vakil Kumar and Amarjeet Kumar also there is nothing against the petitioners.

Learned APP opposes the prayer of bail but fairly submits that they have got no criminal antecedent.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named 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, Aurangabad in connection with Barun P.S. Case No.

172 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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