

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13888 of 2016

Arising Out of PS.Case No. -490 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Naresh Yadav Son of Khiru Yadav Resident of Village- Itwa, Police
Station Barachatti, District Gaya..... Petitioner

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.17605 of 2016

Arising Out of PS.Case No. -490 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Dewanti Devi W/o Rajendra Paswan resident of Village : Dhangain,
Police Station : Barachatti, District : Gaya..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :
(In Cr.Misc. No.13888 of 2016)
For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Bharat Lal (App)
(In Cr.Misc. No.17605 of 2016)
For the Petitioner/s : Mr. Kumar Nikhil
For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-05-2016 Above noted both the applications have arisen out of one occurrence i.e. Barachatti P.S. Case No. 490 of 2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of C.L.A. Act and as such they have been heard together and are being disposed of by this common order.

Allegedly, the son of the informant was killed and the informant saw the petitioners and other four co-accused who told the informant to take the dead body and thereafter, his daughter-

in-law disclosed the name of the assailants.

Submission is of false implication and that the informant is not the eye witness of the occurrence, he came to know about the occurrence from his daughter-in-law who was present near the place of occurrence and she disclosed the name of Indal Bhokta @ Uma Bhokta, Alokjee @ Gulshanjee, Santoshjee, Amarjeetjee and 15-20 other naxalites. The petitioners are not the assailant, similarly situated co-accused Rampati Paswan has already been allowed bail vide Cr. Misc. no. 17796 of 2016 by another co-ordinate Bench of this Court, due to land dispute the petitioners have been implicated and as such they deserves sympathetic consideration, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP submits that both the petitioners are named in the first information report.

In the facts and circumstances stated above, considering that co-accused Rampati Paswan has been allowed bail and as such 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 490 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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