

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14297 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -LODIPUR District- BHAGALPUR

- =====
1. Bipin Yadav
 2. Jainu @ Niranjan Yadav Both sons of Bhiko Mahto Resident of Village- Srirampur , P.S. - Akbar Nagar, District Bhagalpur.
 3. Amarjeet Kumar S/o Manoj Yadav Resident of Village- Daya Bazar, PS Goradih, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. R.N.Jha(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-06-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Lodipur P.S. Case No. 123 of 2015 registered for the offences punishable under Sections 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, Nilesh Kumar @ Raman Kumar went to Bhagalpur with motorcycle after saying that he will meet the teacher along with Amarjeet Kumar and thereafter, he did not return and his mobile was not received by any one, again from mobile no. 9060211068 miscall was received and thereafter, again



the informant rang the mobile of his brother which was received by another person and he told the informant that his brother is injured at Sabour Jamshi road and thereafter, the same was switched off. Accordingly, it has been alleged that the petitioners and other co-accused, being in collusion and conspiracy, have killed him as the deceased was on talking term with the younger sister of the petitioner, Amarjeet Kumar.

Submission is of false implication and that besides suspicion, there is nothing against the petitioners. The confessional statement of Amarjeet Kumar recorded by the police has got no evidentiary value in the eye of law. From mobile call details also, it does not reveal that the petitioners were involved in the crime, without any legal and tangible material, petitioners are suffering in custody only on suspicion and, as such, they deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioners, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

learned A.C.J.M. IV, Bhagalpur in connection with Lodipur P.S. Case No. 123 of 2015 subject to the conditions that one of the bailors must be 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)

sushma/-

U		T	
---	--	---	--