

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46568 of 2015

Arising Out of PS.Case No. -185 Year- 2014 Thana -NARPATGANJ District- ARRARIA

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1. JHABBAR MARICK @ JHABBAR YADAV S/o Late Ram Krishna
Yadav @ Ram Kishun Yadav, Village- Achara, P.S.- Fulkaha, District-
Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50003 of 2015

Arising Out of PS.Case No. -185 Year- 2014 Thana -NARPATGANJ District- ARRARIA

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1. MAHESH YADAV @ MAHESHI YADAV @ MAHESHI S/o Baldeo
Yadav, Resident of Village - Achara, P.S. - Fulkaha, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.46568 of 2015)

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

(In Cr.Misc. No.50003 of 2015)

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Suman Kri.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 01-03-2016 These cases have been listed under the heading “To
Be Mentioned” at the instance of the Court.

It appears that on 12.02.2016, both the aforesaid
applications have been heard together and disposed of granting
bail to the petitioners of both the aforesaid cases but

inadvertently the order dated 12.02.2016 has been typed in Criminal Misc. No.46568 of 2015 only.

In the circumstances, the order dated 12.02.2016 be deemed to have been passed in both the aforesaid cases, i.e., Criminal Misc. No.46568 of 2015 with Criminal Misc. No.50003 of 2015 and, accordingly, the order dated 12.02.2016 which has been typed only in Criminal Misc. No.46568 of 2015 be read as under:

“Both the applications arise out of same Narpatganj P.S. Case No.185 of 2014 registered under Sections 302, 323 and 504 of the Indian Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The allegation is that on 01.06.2014 at about 1.30 A.M., in the night, 5 to 6 persons entered in the campus of the informant and thereafter informant started raising alarm along with his father Anup Chandra Yadav on which the miscreants started to abuse them out of them one Baiju Mandal shot fire at the chest of his father Anup Chandra Yadav, who fell down there, whereas Bajrag Mandal causing injury to informant through lathi, co-accused Shankar Mandal, Arjun Mandal and Jiwachh Mandal were also present there. The informant claimed to identify two

culprits, who moved after the occurrence in the north direction.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that on the basis of written report of informant Tez Narayan Yadav, the F.I.R. was lodged against five named persons and latter on, in course of investigation the name of the petitioners have come in the confessional statement of Mahesh Yadav showing involvement of the petitioners in the present case, except that there is nothing against the petitioners. Further submission is that petitioners are accused in 08 cases and in all cases petitioners are on bail due to the said reason, Police implicated the petitioners in the present case only on the basis of confessional statement of Mahesh Yadav. The petitioners are in custody since 02.07.2015.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 185 of 2014. Out of two sureties, one surety must be the close relative of the petitioners, who will file an affidavit showing their relation with the petitioners and further the petitioners shall remain present on each and every date

during the course of the trial in the Court below. If the petitioners fails to remain present on two consecutive dates during the course of the trial without any reasonable cause being shown, the Court concerned would be at liberty to take steps for cancellation of their bail bonds.”

(Rajendra Kumar Mishra, J)

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