

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15357 of 2016

Arising Out of PS.Case No. -269 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Subodh Dubey @ Ajay Kumar Dwivedi, Son of Narmadeshwar Dwivedi
of resident of Village- Khiriyaghat, P.S. Bairiya, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.20456 of 2016

Arising Out of PS.Case No. -269 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Jai Mangal Jha son of Jai Bhadra Jha @ Balbhadra Jha Resident of
village- Dostiya, P.S.- Purnahiya, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.15357 of 2016)

For the Petitioner/s : Mr. Md. Anisur Rahman

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

(In Cr.Misc. No.20456 of 2016)

For the Petitioner/s : Mr. Md. Anisur Rahman

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner, Jai Mangal Jha is languishing in
custody since 30.12.2015 and the petitioner, Subodh Dubey @
Ajay Kumar Dwivedi is languishing in custody since 31.12.2015
in connection with Sheohar P.S. Case No. 269 of 2015 for the

offences alleged under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case has lodged by the informant alleging that Rajendra Prasad Singh, cousin grand-father of the informant, was shot dead by two motorcycle borne criminals. During investigation the name of the petitioner transpired in the confessional statement of Anchal Jha and also the confessional statement of Rishi Kumar Jha @ Rishi Jha.

4. It has been submitted by the learned counsel for the petitioner that they are innocent and have not been named in the F.I.R.. There is no eye witness to the alleged occurrence and besides confessional statement of the co-accused, there is no incriminating materials against them. It has further been submitted that one of the co-accused has been named in the similar confessional statement has been granted privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 5936 of 2016 on 05.04.2016.

5. Learned A.P.P. for the State submitted that although the petitioners are not named in the F.I.R. but their names have surfaced in the confessional statement of the co-accused. Hence, opposes the prayer for bail.

6. Be that as it may, since the similarly placed co-

accused has been granted privilege of bail, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand rupees) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 269 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

7. However, it is also made clear that the petitioners, Subodh Dubey @ Ajay Kumar Dwivedi has a criminal antecedent as nearly seven cases are pending against him as also Jai Mangal Jha, who also has a criminal antecedent, if they are found in future of committing similar offence, the court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

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(Nilu Agrawal, J.)