

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37671 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Md. Ibrahim S/o Saukat Ali R/o Village Senduari, P.S. Hajipur Sadar,
Dist. Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.37713 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Md. Saddam S/o Md Zabbar R/o village- senduari, P.S.- Hajipur Sadar,
Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.37671 of 2016)

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

(In Cr.Misc. No.37713 of 2016)

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 17-11-2016 Both the above-said petitions arise out of Hajipur Sadar P.S. Case No. 132 of 2015 registered under Sections-307, 302 & other minor sections of the Indian Penal Code and accordingly, both the above-said petitions are being heard and disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No. 37671 of 2016 is named in the first information report whereas; the petitioner in Cr. Misc. No. 37713 of 2016 is not named in the first information report and his name surfaced in course of investigation. The present case was lodged against 27 named and more than 25-26 unknown persons. It is alleged that the deceased was forcibly taken out from his house and was killed by the named as well as unnamed accused persons. The accused persons also caused injury to the brother and the wife of the deceased. The reason behind the alleged occurrence is said to be love marriage of the deceased.

Submission on behalf of petitioners is that the wife of the deceased who claims herself to be eye witness of the alleged occurrence has not stated the name of petitioners in her statement recorded u/S 164 of the Cr.P.C. and similarly, the brother of the deceased, who is said to be injured of this case, has also not stated the name of the petitioner in Cr. Misc. No. 37713 of 2016. It is further submitted that having more or less similar allegation, several co-accused persons have already been granted privilege of bail by different benches of this court. It is also submitted that only one injury was found on the neck of the deceased whereas; it

is alleged that the deceased was assaulted by several persons.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Hajipur Sadar P.S. Case No. 132 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur.

A.K.V./-

(Hemant Kumar Srivastava, J)

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