

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23497 of 2016

Arising Out of PS.Case No. -115 Year- 2001 Thana -FATEHPUR District- GAYA

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1. Indradeo Yadav, Son of Late Bhikhari Yadav.
2. Lakhan Yadav, Son of Late Bhikhari Yadav. Both Resident of Village Itadih, P.S. Fatehpur, District Gaya.

... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Gajendra Pd. Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-08-2016

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 21.04.2016 and 29.04.2016 respectively, in connection with Fatehpur P.S. Case No. 115 of 2001 for the offences instituted under Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution story, in brief, is that on 14.11.2001 the father of the informant and one Rambilash Yadav had gone to in a Gohal to retire on bed. The informant heard the sound of firing and when he ran towards the said Gohal, saw that Narayan Yadav, Indradev Yadav sons of Late Bhikhari Yadav and Bhola Shaw were coming out from the Gohal. Narayan Yadav, Bhola Shaw and Indradev Yadav had small pistol in their hand. Lakhan Yadav had lathi in his hand and he threatened him that if he would make hulla, he would be killed. On the report of firing his wife

Shampool Devi came running and had seen the said four persons running. Due to the night he could not go to the Police Station and the villagers did not come due to fear.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 21.04.2016 and 29.04.2016 respectively. Charge-sheet has been submitted in the present case. They have got no criminal antecedent. There is no allegation of tempering of the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The source of identification has not been disclosed by the prosecution. The other co-accused have been granted bail vide Annexure 2 of the present application.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gaya in connection with Fatehpur P.S. Case No. 115 of 2001.

(Sudhir Singh, J)

Prakash/-

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