

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57765 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Indal Ram @ Indar Ram son of Late Raja Ram, Resident of village-
Vikramganj, P.S.- Vikramganj, District- Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.58283 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Akhilesh Kumar @ Akhilesh Kumar Singh S/o Kedar Singh Resident of
Village - Badhaiyabag Takiya Sasaram, P.S. - Sasaram (Modal), District -
Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.57765 of 2015)

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. D.P. Tiwary (App)

(In Cr.Misc. No.58283 of 2015)

For the Petitioner/s : Mr. Raghunandan Kumar Singh

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 29-01-2016 Above noted both the appliations have arisen out of

one occurrence i.e. Mohania P.S. Case No. 196 of 2013 registered

for the offence punishable under Section 392 of the Indian Penal

Code and as such they have been heard together and are being

disposed of by this common order.

The petitioners are not named in the first information report but during investigation their names transpired in this case.

It is submitted that after investigation the Police submitted final form finding no evidence but subsequently again the matter was reopened and on the basis of confessional statement of co-accused Chnmun Yadav, the petitioners have been dragged in this case and they are in custody since 12.09.2015 but they have not been put on test identification parade. Similarly situated co-accused Dhanjee Choudhary has been allowed bail vide order dated 14.01.2016 passed in Cr. Misc. No. 1413 of 2016 and as such the petitioners deserve sympathetic consideration.

Learned APP is not in a position to distinguish the case of the petitioners from that of co-accused Dhanjee Choudhary.

In the facts and circumstances stated above, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 196 of 2013, subject to the conditions that one of the bailors must be a 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)

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