

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48722 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -PARSAUNI District- SITAMARHI

- =====
1. Munna Sah son of Late Dasarath Sah, R/o Sonaul Subba, P.S.-
Majorganj, District- Sitamarhi.
2. Awadhesh Kumar Rai @ Awashesh Rai Son of Ram Prit Rai, R/o
Village- Parsurampur, Tole Dhamarua, P.S.- Parsauni, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.57601 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -PARSAUNI District- SITAMARHI

- =====
1. Manjay Paswan S/o Late Tila @ Yogi Paswan, Resident of Village -
Pasurampur, P.S. Parsouni, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48722 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

(In Cr.Misc. No.57601 of 2015)

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. L.K.Sharma(App)

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

ORAL ORDER

3 28-01-2016 Above noted both the applications have arisen out of one

occurrence i.e. Parsauni P.S. Case No. 56 of 2015 registered for

the offences punishable under Sections 307/34 of the Indian Penal

Code and Section 27 of the Arms Act, as such they have been

heard together and are being disposed of by this common order.

Allegedly, Sanjay Sah was found injured having injury on his mouth and he stated that Sanjay Paswan and 4-5 others have shot him. During investigation the injured gave his fardbeyan wherein he alleged that Awadhesh Rai, Manjay Paswan fired upon him and the fire shot by Manjay Paswan hit in his mouth causing injury and he fell down and then they snatched mobile and cash of rupees one thousand.

Submission is of false implication and that against the petitioner Munna Sah there is no specific allegation and as alleged the fire shot by Awadhesh Rai did not hit the injured and the fire shot by the petitioner Manjay Paswan hit the injured but in further statement vide paragraph 49 of the case diary the injured has stated otherwise and has alleged that fire shot by Birendra Paswan hit him and as such there being material contradiction in the statement of injured, the petitioners deserve sympathetic consideration.

Learned APP fairly submits that in FIR one Sanjay Paswan is named as accused and the petitioners are not named therein.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance

of tampering with the prosecution evidence, 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, Sitamarhi in connection with Parsauni P.S. Case No. 56 of 2015, 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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