

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22531 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -KASMA District- AURANGABAD

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1. Ajay Sinha @ Karu S/o Kishori Lal
2. Sanjay Singh S/o Late Umesh Singh
3. Ram Pravesh Singh S/o Late Jagnarain Singh All R/o Village- Duggul,
P.S.- Kasma, District- Aurangabad (Bihar).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-05-2016 Heard Sri Bachan Jee Ojha, learned counsel for
petitioners and learned Addl. Public Prosecutor.

Three petitioners, apprehending their arrest in Kasma
P.S. Case No. 61 of 2015 registered for the offence under Sections
302, 201, 34 of the Indian Penal Code, have prayed for grant of
anticipatory bail.

It was submitted by learned counsel for petitioners
that ofcourse in the F.I.R., in accused column petitioners' name
alongwith others was incorporated, however; during investigation,
police found no material connecting the petitioners and as such,
while submitting report on 31-10-2015, three petitioners were
exonerated by the police. Subsequently, learned Magistrate
differing with the police report, took cognizance of the offence.
He submits that even some of the accused persons, who were

forwarded as accused by the police, have been granted anticipatory bail. Learned counsel for petitioners has placed reliance on order dated 04-11-2015 passed in Cr. Misc. No. 48741 of 2015 and order dated 26-11-2015 passed in Cr. Misc. No. 53815 2015, whereby co-accused Gunjan Kumar Singh and Sanjeet Kumar Singh have been granted anticipatory bail.

Keeping in view the fact that at first instance, police exonerated the petitioners and order of cognizance was passed differing with the police report as well as the fact that other accused have been granted anticipatory bail, there is no reason to deny the prayer of petitioners.

Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let all the aforesaid petitioners namely Ajay Sinha @ Karu, Sanjay Singh and Ram Pravesh Singh be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Kasma P.S.Case No. 61 of 2015 subject to condition as contemplated under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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