

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28530 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -ATRI District- GAYA

1. Naresh Yadav S/o Raj Nandan Yadav @ Mohan Yadav
2. Rajnandan Yadav @ Mohan Yadav S/o Late Rampati Yadav Both are the residents of Village - Dhusari, Police Station - Atari, Distt. Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.35258 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -ATRI District- GAYA

Rakesh Yadav @ Rakesh Kumar son of Jay Ram Yadav resident of Village- Ghusri, Police Station- Atri, District-Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.28530 of 2016)

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Arun Kumar Pandey

(In Cr.Misc. No.35258 of 2016)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 30-09-2016 Both the above stated petitions have arisen out of Atri P.S. Case No. 14 of 2016 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act and accordingly, both the above stated petitions are being disposed of by this common order.

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

Altogether 14 persons including the petitioners are named in the first information report and it is alleged that all the F.I.R. named accused persons including the petitioners made indiscriminate firing causing firearm injuries to deceased but post mortem report of the deceased goes to show that only one firearm injury has been found on his person though two other injuries are also found but the same are said to have been caused by hard and blunt substance. Co-accused, Hareram Yadav, having more or less similar allegation, has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 23.08.2016 passed in Cr. Misc. No. 26293 of 2016.

Learned counsel appearing for the informant tried to distinguish the case of petitioners to the case of co-accused, Hareram Yadav by highlighting this fact that co-accused, Hareram Yadav had no criminal antecedent whereas these petitioners do have criminal antecedent.

Para-3 of Cr. Misc. No. 28530 of 2016 reveals that prior to institution of the present case petitioners of aforesaid Cr. Misc. No. 28530 of 2016 had been made accused in one case i.e.

Atri P.S. Case No. 21 of 2007 and after institution of the present case when they were arrested from their house with firearms, another case i.e. Atri P.S. Case No. 15 of 2016 was lodged. Similarly, Para-3 of Cr. Misc. No. 35258 of 2016 goes to show that petitioner of aforesaid criminal miscellaneous case was made accused in Atri P.S. Case No. 15 of 2016 after institution of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released 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 Additional Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 14 of 2016.

(Hemant Kumar Srivastava, J)

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