

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45170 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -ALOULI District- KHAGARIA

1. Rippu Yadav, son of Late Gajendra Yadav
2. Satto Yadav, son of Baso Yadav @ Basudeo Yadav
Both resident of village Shumbha Gari Ghat, Police Station Alauli, District
Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 18-10-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Rippu Yadav and Satto Yadav, in connection with Alauli Police Station Case No. 40 of 2016, under Sections 341/323/307/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application and materials on record.

Heard Mr. Surendra Kumar Mishra, learned Counsel for the petitioners, and Mr. Md. Ansarul Haque, learned Additional Public Prosecutor, appearing on behalf of the State.

Learned Counsel for the petitioners submits that

the First Information Report shows that the accused were arms with fire arms, though they do not use them while causing injury to the informant and, therefore, submits learned Counsel for the petitioner, that no case is made out under Section 307 of the Indian Penal Code.

In view of the above submission and the fact that the accused above-named have been in custody since 14.08.2016 in connection with the case aforementioned and though *charge sheet* has been submitted and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- each with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Alauli Police Station Case No. 40 of 2016.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, CJ.)

Prabhakar Anand/-

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