

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36509 of 2016

Arising out of P.S. Case No. -12 Year- 2014 Thana -TRIVENIGANJ District- SUPAUL

- =====
1. Mohan Kumar Yadav @ Mohan Yadav, son of Mishri Lal Yadav
 2. Laltu Kumar Yadav @ Laltu Yadav
 3. Sunil Kumar Yadav @ Sunil Yadav
 4. Santu Kumar Yadav @ Santu Yadav

Sl. Nos. 2 to 4 are sons of Jhabbar Yadav

All are resident of village - Arraha, Police Station Tribeniganj, District
Supaul

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the State : Sri Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 28-09-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners have renewed their application for
grant of pre-arrest bail in connection with Triveniganj P.S. Case
No.12 of 2014 registered under Sections 147, 148, 323, 324, 307,
354, 379, 504 and 506 of the Indian Penal Code. The prayer for
grant of pre-arrest bail of the petitioners was earlier rejected by
this Court vide order dated 19.1.2016 passed in Cr. Misc. 2225 of
2016.



It is submitted by the learned counsel for the petitioners that on earlier occasion, inadvertently, a very important fact was not brought to the notice of this Court, as a result of which, the application filed on behalf of the petitioners under Section 438 of the Code of Criminal Procedure, was dismissed. It is submitted that on completion of investigation, the Investigating Officer had submitted charge sheet only against co-accused Manoj Yadav, and the petitioners were found innocent. Accordingly, they were not sent up for trial, but, without there being any material against the petitioners, the learned Magistrate differed with the police report, took cognizance of the offence and summoned the petitioners also.

Learned counsel for the State after examining the record of Cr. Misc. No. 2225 of 2016 has conceded that no such pleading was made in the previous application that on completion of investigation, the Investigating Officer had submitted final report against the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Judicial Magistrate,
Supaul, in connection with Triveniganj P.S. Case No. 12 of 2014.

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(Ashwani Kumar Singh, J)

