

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38551 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -BIKRAM District- PATNA

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1. Ganga Dayal @ Ganga Dayal Yadav, Son of Late Maguni Yadav
2. Manish Kumar, Son of Ganga Dayal @ Ganga Dayal Yadav
Both resident of Village - Dorawan, Mathiya, P.O. Sadaweh, P.S. Dulhin
Bazar, District Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-11-2016

Heard both sides.

The petitioners seek bail in Bikram P.S. Case No. 126/2016 registered under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The informant named eight persons including the petitioners and alleged that they all came while the informant and his cousin Shashi Yadav and brother-in-law Dhiraj Kumar were going to their house by bus. When the bus reached near Manjhauli Mai Aasthan, one TATA VICTA and one Maruti car came in front of the bus. The accused persons dragged Sunil Kumar out of the bus and Ranjit Yadav fired from his country made pistol which hit on the scapular region of his cousin. Other accused persons also assaulted Sunil Kumar. Raju Yadav and Ajay Prasad Yadav @ Saheb Yadav are alleged to have fired which hit in the back and

chest respectively of Sunil Kumar. Learned counsel for the petitioners submits that the petitioners are not assailants of the deceased. They have been falsely implicated in the case on account of enmity. The petitioners are in jail since 08.06.2014.

The learned A.P.P. opposed the prayer for bail.

It appears that the informant made allegation of assault against all the seven accused persons and some unknown that they all entered into the bus in which the informant and his brother were travelling and they dragged his brother out of the bus but only three persons, namely, Ranjit Yadav, Raju Yadav and Ajay Prasad Yadav @ Saheb Yadav fired from their pistols which hit on the scapular region, back and chest of the deceased. No specific allegation of assault is made against the petitioners and the petitioners are in jail for about six months.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Raghawendra Narayan Singh, Judicial Magistrate 1st Class, Danapur, Dist. Patna in Bikram P.S. Case No. 126 of 2016.

(Prabhat Kumar Jha, J)

Dilip/-

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