

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29489 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -BHADAUR District- PATNA

1. Vikash Kumar Son of Late Bipin Singh
2. Rajesh Kumar @ Rakesh Kumar Son of Late Amir Singh Both resident
of Village- Bakawaan, P.S Bahadurpur, District Darbhanga.
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Sri Ataur Rahman

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-09-2016 Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in
connection with Bhadur P.S. Case No. 12 of 2016 for
the offences registered under Sections 302/34 of the
Indian Penal Code.

Learned counsel for the petitioners submits
that though the petitioners have been named in the
first information report, the informant has not
clearly stated that anybody had seen the deceased
going alongwith the petitioners. It is further
submitted that name of the petitioners has been
brought into the present case because earlier the



father of the petitioners had been killed in which the husband of the present informant has been made accused and the present petitioners were charge sheeted witness. It is on account of such facts that the name of the present petitioners have come only on the basis of speculation.

Learned counsel for the State after perusal of the case dairy submits that there is only allegation that the petitioners have participated in the killing of the son of the informant as there was prior enmity between the parties. However, there is no eye witness to the occurrence nor anyone has seen that these petitioners had taken away the deceased before his death. The victim is alleged to have been shot near the shop of Manoj Sao but he had also not seen the occurrence.

Considering the aforesaid facts and circumstances of the case and that there is no further cogent material in the case dairy to support the allegation against the petitioners and that the name of the petitioners has been brought in this case only on

account of the fact there was previous enmity between the parties, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Judicial Magistrate, 1st Class, Barh, Patna in connection with Bhadaur P.S. Case No. 12 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Jagdish/-

(Anjana Mishra, J)

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