

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32104 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -PHULWARIA District- BEGUSARAI

1. Bhawesh @ Bhawesh Kumar @ Bhavishya Kumar son of Ishwa Chandra Singh resident of Village- Fulwaria, -03, P.S.- Fulwaria, District- Begusarai.
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

with

Criminal Miscellaneous No.29906 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -PHULWARIA District- BEGUSARAI

1. Gunjan Kumar son of Ramanand Chaudhary, resident of village Shokhara P.S. Phulwaria, District- Begusarai.
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

Appearance :

(In Cr.Misc. No.32104 of 2016)

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Smt. Rita Verma

(In Cr.Misc. No.29906 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Sinha No.3

For the Opposite Party/s : Mr. Sri Anil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-09-2016 Above noted both the applications have arisen out of one occurrence i.e. Phulwaria P.S. Case No. 94 of 2016 registered for the offence punishable under Section 394 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Allegedly, when the informant was going to deposit Rs. 16,87,320/- in the Bank after withdrawing the same from LIC office, some unknown miscreants shot him and fled away taking the money. During investigation name of the petitioners

transpired.

Submission is of false implication and that the petitioners are in custody since 20.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are not named in the first information report, nothing was recovered from their possession and they have not been put on test identification parade. Name of the petitioners have come in this case as the supervising officer suspects against the petitioners and except the same there is no substantive piece of evidence to indicate the involvement of the petitioners in this case. It is further submitted that similarly situated co-accused Chandan Kumar Mahton and Amit Kumar have been allowed bail by different co-ordinate Benches of this Court vide Cr. Misc. Nos. 26088 of 2016 and 35751 of 2016.

Learned APP submits that the name of the petitioners have transpired during course of investigation.

In the facts and circumstances stated above, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rahul Kishore, J. M. Ist Class, Begusarai in connection with Fulwaria P.S. Case No. 94 of 2016, subject to the conditions that

one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--