

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38409 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -ADHAURA District- BHABHUA (KAIMUR)

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1. Laxan Sah, Son of Late Hari Sah
 2. Dheeraj Sah, Son of Late Rajeshwar Sah Both are residents of Village - Dahar, P.S. - Adhaura, District - Kaimur (Bhabua).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Sunil, Advocate

For the Opposite Party : Mr. Sri Nand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-10-2016

Heard learned counsel for the petitioners and the learned
counsel representing the State.

The petitioners seek bail in connection with Adhaura P.S
Case No. 43 of 2016 registered for the offence punishable under
Section 302/34 of the Indian Penal Code.

Allegedly, the father of the informant was found dead
having cut injury on his head and it is suspected that the petitioners and
other might have killed him due to previous enmity of witch Craft.
From perusal of the impugned order, it reveals that the name of the
petitioners also transpires in the confessional statement of Ravi Shankar
Ram @ Tenger, and on the basis of his confessional statement, blood
stained shoes of co-accused Gullu Sah was recovered.

Submission is of false implication and that besides
suspicion and confessional statement there is nothing against the

petitioners, petitioners have got no criminal antecedent and they are suffering in custody since 12.07.2016 and, as such, the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposed by submitting that petitioners are named in the F.I.R..

In the facts and circumstances stated above, considering that besides suspicion and confessional statement of co-accused, there is nothing against the petitioners and, as such petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur (Bhabhua), in connection with Adhaura P.S. Case No. 43 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.)

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