

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56535 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

- =====
1. Lagan Musahar
 2. Wajir Musahar
 3. Birbal Musahar

All are sons of Babban Musahar, Residents of village- Dumraith Dera,
P.S.- Bhabua, District- Kaimuar (Bhabua)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.51712 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

- =====
1. Sohan Mushar
 2. Raju Mushar,

both sons of Late Mahangu Mushar, residents of village- Dumraith, P.S.
Bhabua, District- Kaimur at Bhabua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.52321 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

- =====
1. Narayan Mushar
 2. Indal Mushar

both sons of Babulal Mushar both residents of Village - Dumraith, P.S.
Bhabua, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.56535 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

(In Cr.Misc. No.51712 of 2015)

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

(In Cr.Misc. No.52321 of 2015)

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

3 09-02-2016

Heard learned counsel for the petitioners and counsel for the State in all the three cases.

In these cases, the petitioners are seeking bail in connection with Chainpur P.S. Case No. 157 of 2015 for offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act read with Section 3(ii)(v) of the SC/ST Act.

Learned counsel for the petitioners has submitted that the accused persons themselves belong to the SC/ST category and, in such a situation, section of Scheduled Caste and Scheduled Tribe does not apply.

On merit, it appears that the wife of the victim, in the previous night, had heard the sound of gunshot and, in the morning, the victim was found dead. It has been claimed that fourteen persons are responsible for the death of the victim. In paragraph no.5 of the Case Diary, the wife of the victim has stated that on previous night, she had heard the sound of gunshot and in the morning, the dead body of the victim was found. She is confident that all the fourteen accused persons, named in the First

Information Report, are involved in the death of her husband.

Looking to the facts and circumstances of the case, let the petitioners, namely, Lagan Musahar, Wajir Musahar, Birbal Musahar (All petitioners of Cr. Misc. No. 56535 of 2015), Sohan Mushar, Raju Mushar (petitioners of Cr. Misc. No. 51712 of 2015), Narayan Mushar and Indal Mushar (petitioners of Cr. Misc. No. 52321 of 2015) be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 157 of 2015.

(Shivaji Pandey, J)

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