

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.952 of 2016

Arising Out of PS.Case No. -8 Year- 2015 Thana -ANDER District- SIWAN

Rajnarayan Pandey Son of Brijbihari Pandey R/o Village- Dhanauti, P.s
M.H. Nagar, dist Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.1268 of 2016

Arising Out of PS.Case No. -8 Year- 2015 Thana -ANDER District- SIWAN

Dasrath Dubey Son of late Hira Dubey R/o Village-Bikhpur,
Bhagwanpur(Kanghauli) P.S MH Nagar,Dist Siwan,

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.952 of 2016)
For the Petitioner : Mr. Rakesh Kumar, Advocate.
For the State : Mr. Abhay Kr. Roy (APP)
For the Informant : Mr. Ram Chandra Sahni, Advocater.
(In Cr.Misc. No.1268 of 2016)
For the Petitioner : Mr. Rakesh Kumar, Advocate
For the State : Mr. M. Rab. (App)
For the Informant : Mr. Ram Chandra Sahni, Advocate.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-03-2016 Both the Criminal Miscellaneous are of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners, the

learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 394, 302 and 34 of the I.P.C

Allegedly, Ramesh Kumar Thakur, the younger brother of the informant, was shot dead by the unknown miscreants and during investigation the witnesses disclosed that the petitioner Rajnarayan Pandey and Brajesh Dubey were seen fleeing away after the occurrence on the motorcycle with the fire arm and further they were instigating the villagers to give the name of Ashok Thakur.

Submission is of false implication and that there is no cogent and legal material against the petitioners, no one has seen the petitioners committing the crime, the name of petitioner Dasrath Dubey has come during supervision and the witnesses have not named Dasrath Dubey, there is no eye witness of the occurrence and only on suspicion the petitioners have been implicated and as such they deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that against the petitioner Rajnarayan Pandey there is sufficient material as he and Brajesh Dubey were seen by the witnesses fleeing away after the

occurrence and further the petitioner Rajnarayan Pandey has got criminal antecedent which is evident from the supplementary affidavit of the petitioner itself though earlier the same was suppressed.

In the facts and circumstances as stated above, considering that after ten days of the occurrence the name of petitioner Rajnarayan Pandey and Brajesh Dubey were taken by the witnesses that they were seen fleeing away after the occurrence and as such the petitioners are directed to 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 C.J.M. Siwan in Andar (M.H. Nagar) P.S. Case No. 08 of 2015, 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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