

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48977 of 2015

Arising Out of PS.Case No. -168 Year- 2014 Thana -KHODAWANPUR District- BEGUSARAI

1. SANJAY YADAV @ MANCHAN YADAV @ MANCHAN @
MACHAN Son of Ram Chandra Yadav resident of Village -Ajani Dih, P.s
Khodabandpur , (Chhorabi O.P) District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.52053 of 2015

Arising Out of PS.Case No. -168 Year- 2014 Thana -KHODAWANPUR District- BEGUSARAI

1. Ram Sobhit Yadav @ Ram Bahadur Yadav @ Sobhit Yadav son of
Laxmi Yadav, resident of village Aijanidih, Police Station Kodabandpur,
District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48977 of 2015)

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

(In Cr.Misc. No.52053 of 2015)

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Opposite Party/s : Mr. T.P.Mandal (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 30-01-2016 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 as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offence punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, three motorcycle borne criminals came and stopped the motorcycle in front of the medical shop and opened fire on Rajesh Kumar Chaurasiya, the son of the informant, and fled away riding on the motorcycle, the son of the informant died on the spot due to fire arm injury. During investigation the name of the petitioners transpired in the confessional statement of co-accused Manoj Yadav who is the brother of petitioner Sanjay Yadav @ Manchan Yadav @ Manchan @ Machan and further in the statement of the witnesses that the petitioners and others have caused threats to the deceased as he was the informant in the murder case of his brother and the accused persons were pressurizing to compromise that murder case.

Submission is of false implication and that if the petitioners and others have caused threats then why the same has not been mentioned in the F.I.R, the petitioners are not named in the FIR, similarly situated one of the co-accused Ramchandra Yadav has been allowed bail vide Cr. Misc. No. 48766 of 2014 by another coordinate Bench of this Court and as

such the petitioners who are suffering in custody since 18.10.2014 and 28.06.2015 respectively deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the petitioners are not named in the FIR, later on the witnesses have raised suspicion that they have caused threats to the deceased earlier to compromise the case 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 A.D.J. VIII, Begusarai in Sessions Trial No. 69 of 2015 arising out of Khodabandpur (Chhourahi O.P.) P.S. Case No. 168 of 2014, 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)

Abhay/-

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