

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34264 of 2017

Arising Out of PS.Case No. -116 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

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1. Sunil Kumar alias Tunnu, Son of Dhaneswar Yadav,
2. Dipak Kumar @ Guddu @ Budu @ Dipak, S/o Late Biswanath Yadav,
Both Resident of Mo- Mahavir Tola, P.S.- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
12.03.2017 and 10.03.2017 respectively in connection with Ara
Town P.S. Case No. 116/2017 for offences punishable under
Section 307 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that his son along with the servant Dharmendar Yadav was going
on a motorcycle then Monu Yadav and Diwakar Kumar fired gun
shot, which seriously injured his son.

It has been submitted by the learned counsel for the
petitioners that they are innocent, though named in the First



Information Report, but no overt act has been alleged to have been committed and there is direct allegation of firing on Monu Yadv and Diwakar Kumar. He submits that one of the co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36124 of 2017 on 10.08.2017.

However, learned counsel for the informant opposes the prayer for bail stating therein that the petitioners were liners and were giving exact whereabouts of the deceased to the co-accused Monu Yadav and Diwakar Kumar. He submits that the petitioners are also involved in the alleged occurrence.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 116/2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating



his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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