

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41909 of 2017

Arising Out of PS.Case No. -285 Year- 2015 Thana -KONCH District- GAYA

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1. Gorelall Rawani @ Jagjivan Rawani , son of Chini Ram, R/v Jhilmil, Tekari, Gaya
2. Bhupendra Rajak @ Sajeevan Baitha @ Sajeevan, S/o Late Bilas Rajak, R/v Lapura, P.S. Muffasil, Distt. Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek regular bail in connection with Konch P.S. Case No. 285 of 2015 (S.T. No. 210/16/462/16) for offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while his younger brother Ajay Yadav @ Bhutan Yadav was in his field, some lady heard the sound of firing, thereafter, he found the dead body of his younger brother and 4-5 persons were alleged to have been seen by some persons fleeing on two motorcycles after firing upon the deceased.

It has been submitted by the learned counsel for the



petitioners that they are innocent, not named in the FIR and just because they have criminal antecedent, they have been made accused in the present case. He submits that the petitioners were in custody in connection with Konch P.S. Case No. 80/15 since 18.05.2015 till 25.07.2017 and it has been supported by the report which was called for from the Court of the I/c Additional District and Sessions Judge-VIIth Gaya vide Letter No. 24 dated 16.10.2017. Petitioners have been remanded in the present case on 12.05.2016 and are languishing in judicial custody since then.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner no. 1 is involved in 15 cases and some under the same sections. Petitioner no. 2 is involved in 5 cases and some under the similar sections and both the petitioners are veteran criminals.

Considering the facts and circumstances and the materials on record, as well as the report of the learned court below, let the petitioner named above, 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 Additional District Judge-VI, Gaya, in connection with Konch P.S. Case No. 285 of 2015 (Sessions Trial No. 210/16/462/16) subject to the condition that one of the bailors would be a close



relative of 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. The petitioners will mark their attendance before the concerned police station in the first week of every month till six months.

(Nilu Agrawal, J)

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