

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1653 of 2017

Arising Out of PS.Case No. -322 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Tuntun Yadav son of Sahdeo Yadav
2. Phuta Yadav son of Bhim Yadav
Both R/o Mohalla- Katrapar, P.S.- Bihar, District- Nalanda at Biharsharif
..... Petitioners

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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

ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Bihar P.S. Case No. 322 of 2016 registered for the offences
punishable under Sections 307/34 of the Indian Penal Code and
Section 27of the Arms Act.

The petitioners are not named in the first information
report. During investigation on the basis of confessional statement
of Bacchu name of the petitioners transpired that on the order of
petitioner no. 1 other co-accused opened fire upon the police
party.

Submission is of false implication and that the petitioners
are not named in the first information report, confessional
statement of co-accused has got no evidentiary value in the eye of



law and besides confessional statement there is no other material against the petitioners and as such they deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that name of the petitioners have come in the confessional statement of co-accused and besides that there is no other material against them, the petitioners above named, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 322 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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