

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9121 of 2017

Arising Out of PS.Case No. -138 Year- 2006 Thana -NAWADA District- NAWADA

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1. Surendra Prasad, Son of Sri Raghunandan Prasad,
2. Ravindra Prasad, Son of Sri Madan Prasad, Both are Resident of Village-
Gonawan, P.S.- Nawada, District- Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 12-04-2017 Heard learned counsel for the petitioners and the

State.

Petitioners apprehend their arrest in connection with

Sessions Trial No.52 of 2007 arising out of Nawada Town P.S.

Case No.138 of 2006 registered under Sections 302, 307, 326,

341, 147, 148, 149 of the Indian Penal Code and 27 of the Arms

Act.

Allegation in brief is that the petitioners along with

other accused came at the boring of Awadhesh Kumar and

accused persons are said to have shot with fire arms and Ravindra

Prasad ordered to kill and thereafter, Mukund Kumar shot fire

from close range and Surendra Prasad also fired resulting gun shot

injury in the right side of the belly of Vijay Kumar Yadav and



Deonath Prasad gave gun shot injury on the right hand of Vijay Kumar Yadav and Mukund Kumar shot at Mukesh Kumar causing his death. However, the petitioners were not sent up by the police but at the stage of Section 319 Cr.P.C. during course of trial, these petitioners have been summoned.

Learned counsel appearing on behalf of the petitioners submits that police after thorough investigation did not find the case true. Even at the charge stage, they were not charged by the trial court and only on the statement of the witnesses showing the involvement, summons have been issued and these petitioners have fair antecedent.

Having considered the said facts and circumstances, in the event of arrest/surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners, namely, Surnedra Prasad and Ravindra Prasad be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A.D.J. IIIrd, Nawada in connection with Sessions Trial No.52 of 2007 arising out of Nawada Town P.S. Case No.138 of 2006, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arun Kumar, J)

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