

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9455 of 2017

Arising Out of PS.Case No. -294 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

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1. Shankar @ Shankar Kumar S/o - Sakaldeo Chauhan
2. Vikash Mahto @ Vikash Kumar S/o - Upendra Mahto Both are residents
of Shri Rampur , P.S.- Bihta, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Shyam Bihari Singh

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

3 02-05-2017 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Buxar
(Muffasil) P.S. Case No. 294 of 2015 registered for the offences
punishable under Section 396 of the Indian Penal Code.

Allegedly, 6-7 unknown persons wearing *Kachha*
committed *dacoity* and murder of mother-in-law and injured
several other persons and looted their belongings.

Submission is of false implication and that the
petitioners have been implicated only on suspicion, they are not
named in the F.I.R., nothing incriminating articles have been
recovered from their possession and there is no legal evidence



against the petitioners. They are suffering in custody since 27.08.2016. They have been allowed bail by this Court vide Cr. Misc. No. 53203 of 2016 in Dumraon (N.B.) P.S. Case No. 180 of 2016. They are not being put on T.I. Parade and, as such, they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioners are the members of “kachha-Baniyan Giroh” and they have got criminal antecedent also. Co-accused Vishwanath Mushar and Chandra Shekhar Singh by confessing their guilt, stated the names of the petitioners.

In the facts and circumstances stated above, considering the custody of the petitioners, and further charge sheet has already been submitted and there is no chance of tampering with the prosecution witness, and as such, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Buxar in connection with Buxar (Muffasil) P.S. Case No. 294 of 2015 subject to the conditions that one of the bailors must be 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)

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