

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.3539 of 2017**

Arising out of PS.Case No. -773 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Bharat Kumar Yadav Son of late Hare Ram Yadav Resident of Village- Mohania, ward No. 3, P.S.- Bakhtiyarpur, District- Saharsa.
  2. Santosh Kumar Yadav Son of Pitamber Prasad Yadav Resident of Mohalla- Batraha, Ward No. 25, P.S.+District- Saharsa.
  3. Bipin Kumar Yadav Son of Mushuru Yadav Resident of Village- Bariyahi, P.S.- Bangaon, District- Saharsa,.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Smt. Pronati Singh, APP

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

**ORAL ORDER**

2      28-02-2017                      Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Saharsa P.S. Case No. 773 of 2016, registered for the offences punishable under Sections 413 and 414/34 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

Allegedly, the petitioners and co-accused were apprehended after chase and from the place where they assembled one loaded country made katta, one fired cartridge and three motorcycles were recovered.

Submission is of false implication and that nothing has been recovered from conscious possession of the petitioners. The recovery was made from the house of Manindra Jha and as such the petitioners deserve sympathetic consideration as in this



case similarly situated co-accused Rikki Sah @ Riki Sah and Sanjay Kumar Yadav have been allowed bail by another coordinate Bench of this Court vide Criminal Misc. No. 50098 of 2016 vide Annexure-2 and the petitioners by remaining in custody since 12.9.2016 have been sufficiently penalized.

The learned A.P.P. fairly submits that two similarly situated co-accused have been allowed bail.

In the facts and circumstances stated above, the petitioners, namely, (1) Bharat Kumar Yadav; (2) Santosh Kumar Yadav; and (3) Bipin Kumar Yadav, shall 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 773 of 2016, subject to the conditions that one of the bailors must be a 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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