

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17329 of 2018

Arising Out of PS. Case No.-28 Year-2015 Thana- PHULWARIA District- Begusarai

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1. Gyanti Devi wife of Ram Vijay Pandey
 2. Vikky Pandey son of late Jagarnath Pandey
 3. Chhotu Mishra son of late Rajendra Mishra
 4. Sikandar Tiwari son of late Ravindra Tiwari

All resident of village Shokhara, P.S. Phulwaria, District Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioners, learned counsel for the informant and also learned counsel for the State.

The petitioners apprehend their arrest in connection with Phulwaria P.S. Case No. 28 of 2015, registered for the offences punishable under Sections 302/120(B)34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are named in the F.I.R. as conspirators but after completing investigation the petitioners were not sent up for trial. However, during trial the petitioners have been summoned under Section 319 of the Cr.P.C.

Submission is of false implication and that as per F.I.R. the assailant is co-accused Arti Devi, the name of the



petitioners have been given in the F.I.R. as conspirators, there is no specific allegation against them, during investigation nothing has been found against the petitioners and accordingly have not been sent up for trial but during trial the petitioners have been summoned and, as such, the petitioners deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners have got criminal antecedent.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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 1st Additional Sessions Judge, Begusarai, in connection with Pulwaria P.S. Case No. 28 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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