

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31441 of 2018

Arising Out of PS. Case No.-20 Year-2014 Thana- BIRPUR District- Supaul

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1. Nitish Adgadiya, S/o Yogendra Adgadiya, R/o Vill.- Matiari, Ward No. 14, P.S.- Birpur, District- Supaul.
 2. Tinku Gothiya, S/o Mahendra Gothiya, R/o Vill.- Balbhadrapur, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-06-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Birpur P.S. Case No.20 of 2014 registered under Sections 302 and 384/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that when the informant Ajay Gothiya, on 30.07.2014 at about 10.00 P.M., had gone to purchase the diesel at Bhawanipur Chowk, then he saw that eight persons, named in the F.I.R., including the petitioners along with 6-7 unknown and his brother Sanjay Gothiya were taking the liquor in a shed room. After some time, the informant



heard the sound of five rounds firing and also saw the eight persons including the petitioners fleeing away from the shed room. When the informant went inside the shed room, he found his brother Sanjay Gothiya dead sustaining firearm injury.

Learned counsel appearing on behalf of the petitioners submits that the brother of the informant was shot dead in different manner but after seeing the dead body of his brother, the informant falsely implicated the petitioners and others, named in the F.I.R., due to dirty village politics. The petitioners have no criminal antecedents. Further submission is that the similarly situated co-accused Kuldeep Banewar vide order dated 02.12.2014 passed in Criminal Misc. No.26495 of 2014 and Manoj Bindwar vide order dated 30.07.2015 passed in Criminal Misc. No.20278 of 2015 have already been granted the privilege of pre-arrest bail by different Benches of this Court.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Birpur P.S. Case No.20 of 2014,



subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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