

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42693 of 2018

Arising Out of PS.Case No. -52 Year- 2010 Thana -DULHIN BAZAR District- PATNA

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1. Gautam Kumar,
2. Niraj Kumar, Both S/o Om Prakash Yadav @ Katnarayan Yadav, R/o
Sarkuna, P.S.- Dulhinbazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Dulhinbazar P.S.Case nO.52 of 2010 , registered for offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

Allegation against the petitioners is that they were accompanying his father and his father shot dead the deceased.

Submission of the learned counsel for the petitioners is that the police after investigation has not found the case true against the petitioners but the learned Magistrate differing with the investigation has taken cognizance against them.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and



circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Danapur, Patna in connection with Dulhinbazar P.S.Case no.52 of 2010 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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