

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8581 of 2018

Arising Out of PS.Case No. -42 Year- 2015 Thana -KUMARGHAND District- MADHEPURA

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1. Gulab Chand Das, Son of Kamal Das Resident of Village- Yaduapatti, P.S. Kumarkhand, District- Madhepura.
 2. Rabindra Das Son of late Sukhdeo Das Resident of Village- Chharrapati, P.S. Kumarkhand, District Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-03-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in Kumarkhand P.S. Case No. 42 of 2015 registered under Section 394 of the Indian Penal Code.

Three motorcycle borne criminals are said to have resorted firing upon the bus inflicting fire arm injury in the mouth of the driver of the bus and plundered cash, mobile, driving license, etc. from the driver and owner-cum-conductor of the bus.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. The petitioners



have been falsely implicated in this case by filing F.I.R. after seven days of the occurrence due to land dispute as Title Suit No. 37 of 2013 is pending between the driver of the bus, namely, Arjun Das and petitioner no.2 and father of petitioner no.1. Petitioners were well known to the informant and driver of the bus preceding to the occurrence, but F.I.R. has been lodged against unknown criminals. Had the petitioners had committed the aforesaid occurrence, they would have been named by the informant at the first instance. Petitioner no.1 has no criminal antecedent. Though one more criminal case has been lodged against petitioner no.2, but he is on bail in the said case. The petitioners have been languishing in custody since 27.11.2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged 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 the learned Additional Chief Judicial Magistrate-I, Madhepura in connection with Kumarkhand P.S. Case No. 42 of 2015 corresponding to GR No. 465 of 2015.

(Prakash Chandra Jaiswal, J)

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