

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22180 of 2018

Arising Out of PS.Case No. -48 Year- 2011 Thana -KORANSARAI District- BUXAR

1. Jalim Yadav @ Nagendra Singh S/o late Ramdeyal Yadav

2. Upendra Yadav @ Upendra Singh S/o Mahendra Yadav

3. Lali Yadav@ Lali Singh S/o late Ramdeyal Yadav

4. Manji Yadav S/o Mahendra Yadav

All resident of Village- Sudhar Dera, P.S.-Koran Sarai, District- Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Smt. Sahin Begam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Koransarai P.S. Case No. 48 of 2011 registered under
Sections 302 read with 34 of the Indian Penal Code and Section
27 of the Arms Act.

It is submitted by the learned counsel for the
petitioners that though the petitioners are named in the first
information report, in course of investigation their culpability



was not found in the commission of the crime and it was the informant and two of his accomplices who were sent up for trial. He submitted that the petitioners were not sent up for trial but without there being any material against the petitioners in the case diary, merely on the basis of statement of the informant, who herself has been made accused in the case, the learned Magistrate took cognizance of the offence and summoned the petitioners also.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners. He submitted that the alleged offence under Section 302 read with 34 of the Indian Penal Code, the learned Magistrate has found prima facie material against the petitioners also and they have been summoned to face trial.

Be that as it may, considering the fact that the statutory investigation agency has found the petitioners innocent, in the event of arrest or surrender in the court below within six weeks from today, they are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Buxar in connection with



Koransarai P.S. Case No. 48 of 2011 subject to the conditions as
laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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