

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22359 of 2018

Arising Out of PS.Case No. -440 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. PARVEJ ALAM @ AFJAL ALAM S/o Idu Mian, R/o Vill.- Hardiya Chowk, Narkatiaganj, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.24163 of 2018

Arising Out of PS.Case No. -440 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Ravi Kumar Thakur, Son of Sri Sudarshan Thakur, Resident of Village- Hardiya Chowk, Narkatiaganj, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.22359 of 2018)

For the Petitioner/s : Mr. Sharad Chandra Verma

For the Informant : Mr. Bimilesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP

(In Cr.Misc. No.24163 of 2018)

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 23-05-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in Shikarpur P.S. Case No. 440/2017 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.



Son of the informant is said to have been gunned down by two unknown Apache borne miscreants.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the F.I.R. They were not apprehended on the spot. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. Barring the confessional statement of the petitioners, there is nothing cogent on record indicating the complicity of the petitioners in the occurrence. They are said to be identifier of the deceased to the assailant. The Petitioners have no criminal antecedent. The petitioners have been languishing in custody since 20.10.2017. Similarly situated co-accused, namely, Pawan Ojha, who happens to be identifier and K.P. Singh, who had provided pistol to the assailant Sonu Chaudhary, have been enlarged on bail by different coordinate Benches of this Court.

On the other hand, learned counsel for the informant and learned counsel for the State has opposed the prayer of bail and submitted that petitioners had identified the son of the informant to the assailant of the occurrence at the instruction of co-accused Vinay Sharma.



Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 440/2017.

However, if the petitioners are found having criminal antecedent prior to the case in hand, the informant will be at liberty to move the learned court below for cancellation of the bail bond of the petitioners.

(Prakash Chandra Jaiswal, J.)

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