

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26715 of 2018

Arising Out of PS.Case No. -838 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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SUBODH KUMAR @ SUBODH KUMAR YADAV @ SUBODH
YADAV Son of Sri Madan Rai, Resident of Village-Mahaddipur, P.S.-
Chirya, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.27377 of 2018

Arising Out of PS.Case No. -838 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Golu D @ Golu @ Aditya @ Aditya Radhe S/o Late Lal Babu Prasad
Gupta, Resident of Mohalla- Miskot, Ward No. 8, P.S.- Town, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.26715 of 2018)

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

(In Cr.Misc. No.27377 of 2018)

For the Petitioner/s : Mr. Vinay Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-07-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with
Motihari P.S. Case No. 838 of 2017 instituted for the offences



punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the informant, is that on 25.11.2017 at about 10:15 a.m., he had received a call from another mobile and he was informed that his son had been shot dead. Thereafter, the informant is said to have gone at the place of occurrence and brought his son in an injured condition to the hospital where the son of the informant died. It has been alleged by the informant that his son was murdered on account of political rivalry.

The learned counsel for both the petitioners submits that the petitioners are non-FIR named accused persons. The petitioners are having a clean antecedent and as far as the petitioner of the first case is concerned, he is in custody since 09.12.2017 and as far as the petitioner in the second case is concerned, he is stated to be languishing in custody since 15.12.2017. It is further submitted that the similarly situated co-accused persons have already been granted bail by this Court by orders dated 28.5.2018 and 19.6.2018 passed in Criminal Misc. No. 24486 of 2018 and Criminal Misc. No. 26475 of 2018.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the



prayer for bail of the petitioners herein. However, nothing has been shown to this Court to suggest any complicity of the said two petitioners in the present case. Admittedly, the main assailants who have been identified in the present case are Cigrate and Suman Saurabh.

Having regard to the facts and circumstances of the case, the petitioners, above named, are directed to be released 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 838 of 2017.

(Mohit Kumar Shah, J)

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