

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18448 of 2018

Arising Out of PS.Case No. -74 Year- 2016 Thana -BITHAN BAZAR District- SAMASTIPUR

- =====
1. Ram Bhajo Yadav @ Rambhajan Yadav, S/o Jagdish Yadav,
 2. Jagdish Yadav S/o Late Ram Kishun Yadav,
 3. Ranjan Yadav S/o Jagdish Yadav,

All R/o Village- Khairakot, Sihama, P.S.- Bithan, District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-04-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Bithan P.S. Case No. 74 of 2016 registered under Sections 366-A/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that on completion of investigation, the police had found culpability of only one accused, namely, Nitish Kumar and having found innocent the petitioners were not sent up for trial, but the learned Magistrate differing with the police report took cognizance of the offence as against the petitioners also. It is further submitted that the petitioners have been implicated only because they happen to be father, grandfather and uncle of



the charge-sheeted accused Nitish Kumar.

On the other hand, learned Additional Public Prosecutor for the State submitted that there is allegation in the first information report against all the accused persons which finds further corroboration by witnesses during investigation as a result of which the learned Magistrate differed with the police report and took cognizance of the offence against the petitioners also.

Considering the submissions made above, especially the fact that the statutory investigating agency had found the petitioners innocent in course of investigation, in the event of arrest or surrender before 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 learned Sub-divisional Judicial Magistrate, Rosera district-Samastipur in Bithan P.S. Case No. 74 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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