

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2671 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- SUGAULI District- East Champaran

1. Anil Kumar Yadav S/o Birja Prasad Yadav R/O Vill-Inarwa PS-Ramgarhwa Dist.-East Champaran.
2. Birja Prasad Yadav son of Late Basudeo Yadav R/O Vill-Inarwa PS-Ramgarhwa Dist.-East Champaran..

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anshuman Singh
For the Opposite Party/s	:	Mr.Upendra Kumar APP67

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-04-2019 Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners seek bail in Sugauli P. S. Case No. 272 of 2018 instituted for the offence under Section(s) 302, 201, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that petitioners are in custody since 21.6.2018 having no criminal antecedent.

Petitioners are not named in the written report. The name of these petitioners has come in the confessional statement of co-accused Chhotu @ Sujit Kumar Yadav.



In the written report, it is alleged that father of the informant along with driver, namely, Veeru were going to Raxaul by Mahindra vehicle and when they reached near Singhia Gumti three persons sat on the vehicle and when they proceeded ahead of Semara, the persons, who sat on the vehicle, fired on the driver and father of the informant. The informant got this information from wife of the driver, namely, Veeru. The informant reached to Motihari Sadar Hospital and found his father lying dead and the driver was getting treatment.

Learned counsel for informant has submitted that driver, who also sustained injury, has been examined by the police and gave statement in para 23 of the case diary. He has raised suspicion against these petitioners in aforesaid paragraph. Learned counsel points out para 49 of the case diary, wherein, confessional statement of accused Sujit @ Chhotu Yadav has been recorded, wherein, he has taken the name of these petitioners. He further submits that police recorded confessional statement of petitioner no.1 in para 61 of the case diary and in para 63 of the case diary there is seizure list.

Learned counsel for petitioners has submitted that in the entire case diary in those paragraphs besides suspicion, there is no allegation of specific overt act against these petitioners.



Charge sheet has already been submitted.

Considering the aforesaid, let the petitioners, above named, be released 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 CJM, Motihari, in connection with Sugauli P. S. Case No. 272 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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