

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10313 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- SUIYA District- Banka

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1. Sargun Khaira, S/o Khiro Khaira,
 2. Binod Khaira, S/o Khiro Khaira,
 3. Kartik Khaira, Son of Late Shital Khaira,
- All resident of Village - Dharmshila (Bhusi), Police Station- Suiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-02-2019 Heard leaned counsel for the petitioners and learned
APP for the State.

The petitioner no.1 is languishing in custody since 22.11.2018, petitioner no.2 is languishing in custody since 19.11.2018 and petitioner no.3 is languishing in custody since 03.12.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections.

The prosecution case as per the written report of



Manju Devi submitted to the S.H.O. Suiya P.S. is to the effect that the husband of the informant, Yogendra Yadav along with his labour mate, Naresh Kol went in the company of co-accused, Sitaram Yadav for purpose of cutting woods but he did not return till late night. In the next morning, the dead body of the husband of the informant and his labour mate was recovered with sharp cutting injuries, leading to registration of FIR against two named and 8-10 unknown accused persons. It is further alleged that prior to the alleged occurrence the husband of the informant was threatened by the Naxalits for payment of levy and due to non-payment of levy, the husband of the informant was killed by the accused persons. Though the petitioners are not named in the FIR but their name sprang up on the confessional statement of co-accused, Bhubneshwar Khaira.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR, the name of the petitioners sprang up on the confessional statement of co-accused Bhubneshwar Khaira. It is further submitted that co-accused persons namely, Lutan Khaira, Tarani Khaira and Mahendra Khaira, have been granted privilege of regular bail by different co-ordinate benches of this Court vide Cr. Misc. Nos. 48240 of 2018, 63272 of 2018 and 79008 of 2018 respectively.



A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioners sprang up on the confessional statement of co-accused.

Considering the fact that the petitioners are not named in the FIR and their name sprang up on the confessional statement of the co-accused, similarly situated co-accused persons have been granted bail by different co-ordinate benches of this Court, coupled with the statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 learned **A.C.J.M.-I, Banka** in connection with **Suiya P.S. Case No. 13 of 2018.**

(Dinesh Kumar Singh, J)

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