

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43942 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- OBRA District- Aurangabad

Sanjay Yadav, aged about 32 years, Male, Son of Hari Shankar Yadav,
Resident of Village - Amilona, P. S.- Jamhor, District- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 35652 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- OBRA District- Aurangabad

Triveni Dom @ Triveni Mushar, aged about 44 years, Male, S/o Late Binda
Dom R/o Village- Kharanti, P.S.- Obra, Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43942 of 2019)

For the Petitioner : Mr. Shashi Bhushan Kumar, Adv.

For the Opposite Party : Mr. Harendra Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 35652 of 2019)

For the Petitioner : Mr. Sanjay Kumar Ghosarvey, Adv.

For the Opposite Party : Mr. Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 20-11-2019 Heard learned counsel, appearing in Cr. Misc. No.

35652 of 2019, for the petitioner and learned Additional Public

Prosecutor for the State.

Both the above stated petitions arisen out of Obra P. S.

Case No. 217 of 2018, registered for the offences punishable

under Sections 302/34 of the Indian Penal Code and Section 27

of the Arms Act.



At the very outset, adjournment is sought in Cr. Misc. No. 43942 of 2019.

Whereas learned counsel appearing in Cr. Misc. No. 35652 of 2019 insists upon this court to dispose of the above stated Cr. Misc. No. 35652 of 2019.

Learned counsel, appearing in Cr. Misc. No. 35652 of 2019, submits that the petitioner is not named in the first information report and according to prosecution case itself, two persons came and out of above stated two persons, FIR named accused Sanjay Yadav shot fire on the deceased. He, further, submits that so far as the petitioner in Cr. Misc. No. 35652 of 2019 is concerned, his name surfaced in confessional statement of FIR named accused Sanjay Yadav, who admitted that he as well as co-accused Rabindra Pandey went to the place of occurrence and committed the murder of the deceased. Furthermore, the aforesaid co-accused Sanjay Yadav confessed that this petitioner in Cr. Misc. No. 35652 of 2019 had only given information prior to the alleged occurrence that the deceased was sleeping outside his house.

Learned counsel of the petitioner in Cr. Misc. No. 35652 of 2019 points out that co-accused Pramod Yadav having, more or less, similar allegation, has already been granted



privilege of bail by a co-ordinate bench of this court.

Although, learned counsel appearing for the informant as well as learned Additional Public Prosecutor for the State opposed the prayer but considering the above stated submissions as well as facts and circumstances of the case, let the petitioner in Cr. Misc. No. 35652 of 2019, namely, Triveni Dom @ Triveni Mushar is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P. S. Case No. 217 of 2018.

So far as Cr. Misc. No. 43942 of 2019 is concerned, the same be listed on 27.11.2019.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

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