

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24739 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SIGAUDI District- Patna

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BILTU CHAUHAN Son of Late Jagdish Chauhan Resident of Village-
Noniachak, Police Station- Sigori, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34375 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SIGAUDI District- Patna

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SANJAY YADAV Son of Mithilesh Kumar Singh Yadav Resident of Village-
Nuniya Chak, P.S.- Sigori, District- patna, At present resident of Mohalla-
Yogiya Toli, Yarpur, P.S.- Gardanibag, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 24739 of 2019)

For the Petitioner/s : Mr.Parashuram Singh

For the Opposite Party/s : Mr.Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 34375 of 2019)

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code and Sections 27 25(I-B)a, 26/35 of the
Arms Act.



The prosecution case as lodged by the informant is that his father went to sleep in granary for watching paddy. When the father of the informant raised alarm as 'chor-chor' and soon thereafter sound of firing was made. On hearing the sound of firing, the informant along with his villagers went to the granary, found that unknown persons killed his father by making firing.

It has been submitted on behalf of the petitioners that they are innocent, bear no criminal antecedent, not named in the F.I.F. and have been falsely implicated in the aforesaid case. He submits that there is no specific allegation against the petitioners and their name surfaced on the confessional statement of co-accused Jairam Chouhan. He further submits that general and omnibus allegation has been levelled against the petitioners.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory 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 the learned A.C.J.M.-V, Danapur, Patna in connection with Sigori Police Station Case No. 03 of 2019,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as conditions that:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.

(III) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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