

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38230 of 2019

Arising Out of PS. Case No.-352 Year-2014 Thana- TAJPUR District- Samastipur

1. LUV PRASAD @ LUV KUMAR SATHI, aged about 26 years, Male, S/o Ram Chandra Sathi, R/o village- Khoksaha, P.S.- Bibhutipur, District- Samastipur.
2. Kush Prasad @ Kush Kumar Sathi, aged about 26 years, Male, S/o Ram Chandra Sathi, R/o village- Khoksaha, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ram Sumiran Rai, Advocate.
For the Opposite Party : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in custody since 11.04.2019 in a case for the offence registered under Sections 399, 402, 414, 353, 307/34 of the IPC, 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution story, in brief, is that the petitioners alongwith other co-accused persons were making plan of dacoity and in course of it they fired upon the police party and made obstruction in discharging the police duty. It is also alleged that the police has recovered Motorcycle, Mobile, pistol and live cartridges.



It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The name of the petitioners has come on the basis of disclosure made by co-accused. No incriminating article is said to have been recovered from possession of the petitioners. Except for this, there is no substantive evidence to suggest the implication of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Samastipur, in connection with Tajpur (Waini) P.S. Case No. 352 of 2014.

(Sudhir Singh, J)

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