

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77830 of 2018

Arising Out of PS. Case No.-498 Year-2018 Thana- SIWAN CITY District- Siwan

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1. Yamani @ Yamuni
 2. Nami Both s/o Mohibul Haque, Both r/o village Kutub Chhapra, PS Hussainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Sri Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 05-02-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Siwan Town P.S. Case No. 498 of 2018** registered for the offence punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his written complaint has stated that his son was coming and when he reached at R.K. Modern School, three persons boarded on motorcycle came and fired on account of which his son fell down and he was taken to nearby Sadar Hospital, Siwan by Dr. Habibullah where he was working however, during the course of treatment he died. He has raised suspicion that his son may have been killed by petitioners along with Jafar.



It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to land dispute. Petitioners have been implicated in this case on the basis of confessional statement of co-accused Shamshad Ali and except it there is no material against the petitioners to implicate them in this case. It has been further submitted that there is no eye witness to the said occurrence. Petitioners have got no criminal antecedent and are in custody since 09.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate-Siwan**, in connection with **Siwan Town P.S. Case No. 498 of 2018**, with following conditions:-

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

(2) 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 the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers 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.

(S. Kumar, J)

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