

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75239 of 2019

Arising Out of PS. Case No.-249 Year-2018 Thana- BARHIYA District- Lakhisarai

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RAJA @ RAJA KUMAR Son of Muchkun Singh @ Muchkund Singh @
Muchkund Prasad Singh Resident of Sherpur, P.S.- Maranchi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 78049 of 2019

Arising Out of PS. Case No.-249 Year-2018 Thana- BARHIYA District- Lakhisarai

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AMLESH KUMAR @ GORA Son of Shri Bhutu Singh @ Ajay Singh
Resident of Village - Sherpur, P.S.- Maranchi, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 75239 of 2019)

For the Petitioner/s : Mr.Rajesh Kumar, Advocate.
Mr. Laxmi Kant Sharma, Advocate.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP.

For the Informant : Mr. Mrigendra Kumar, Advocate.

(In CRIMINAL MISCELLANEOUS No. 78049 of 2019)

For the Petitioner/s : Smt. Sudha Ambastha

For the Opposite Party/s : Mr.Pushpa Sinha, APP.

For the Informant : Mr. Mrigendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the
offence punishable under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The informant is not an eye witness of the occurrence



of murder of his son. During investigation, one Anmol Kumar @ Khatri @ Bilaiya stated before the police that he had seen the occurrence. According to this witness, the dispute arises out of distribution of looted articles between the deceased and the co-culprits including the petitioners. Two persons, the petitioner Raja Kumar and Deepak allegedly fired at the deceased which caused injury and death.

Learned counsel for the petitioners submits that the statement of the witness is after thought one. In fact, none had seen the occurrence. Though the F.I.R. says that the petitioners are kingpin of gang of criminals, however petitioners have stated on oath that they have got no criminal antecedent. Petitioners are in custody since 22.08.2019 and 20.08.2019 respectively.

Learned counsel for the informant opposed the prayer for bail on the merit of the allegation based on the statement of the witness examined by the police as well as on the ground that trial is going on and in the event of release of the petitioners, trial may hamper. The motorcycle which was used by the miscreants was found from the house of the petitioner Amlesh Kumar @ Gora.

Considering the entire facts aforesaid, let the



petitioners, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Barahiya P.S. Case No. 249 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(c) The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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