

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82798 of 2019

Arising Out of PS. Case No.-578 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

1. Krishna Bind Son of Shivmurat Bind Resident of Village - Dharmapura, P.S.- Sonhan, District- Kaimur at Bhabua
2. Fulchand Bind Son of Kamlesh Bind Resident of Village - Dharmapura, P.S.- Sonhan, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5363 of 2020

Arising Out of PS. Case No.-578 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Chandrama Mallah Son of Nagendra Mallah @ Nagendra Nisad Resident of Village-Bhagwanpur, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 82798 of 2019)

For the Petitioner/s : Mr.Rajani Kant Pandey

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

(In CRIMINAL MISCELLANEOUS No. 5363 of 2020)

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Raj Ballabh Singh

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

ORAL ORDER

3 19-03-2020 Both the above stated cases initially registered under Section 363 of the Indian Penal Code but, subsequently, Sections 364A/34 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms Act were added. Accordingly, both the above stated petitions are being disposed of by this common order.



Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners in Cr. Misc. No. 82798 of 2019, namely, Krishna Bind and Fulchand Bind are not named in the first information report nor the statement of victim recorded under Section 164 of the Code of Criminal Procedure. The name of aforesaid petitioners came in confessional statement of co-accused Gabbar Bind and except the aforesaid confessional statement, there appears to be nothing against the petitioners of Cr. Misc. No. 82798 of 2019, namely, Krishna Bind and Fulchand Bind.

Learned counsel appearing for petitioners in Cr. Misc. No. 82798 of 2019 submits that petitioners have been implicated in this case on account of the land dispute and as a matter of fact, there is no cogent evidence against the petitioners to keep them in custody.

So far as petitioner in Cr. Misc. No. 5363/2020, namely, Chandrama Mallah, is concerned, paragraph 31 of the case diary goes to show that he along with two others was caught from a room in which the victim had been made captive.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners in Cr. Misc.



No. 82798 of 2019, namely, Krishna Bind and Fulchand Bind, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III, Kaimur at Bhabua in connection with Sessions Trial No. 225 of 2019 (arising out of Bhabua P.S. Case No. 578 of 2019).

So far as petitioner in in Cr. Misc. No. 5363/2020, namely, Chandrama Mallah, is concerned, his prayer for bail stands rejected.

(Hemant Kumar Srivastava, J)

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