

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11868 of 2024

Arising Out of PS. Case No.-191 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. Dukha Yadav S/O Late Anup Yadav Village- Jogbani, Ward No. 14, (Chikni Jogwanni), Ps. Gamhariya, Dist.Madhepura.
2. Munna Kumar S/O Dukha Yadav Village- Jogbani, Ward No. 14, (Chikni Jogwanni), Ps. Gamhariya, Dist.Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-03-2024 Heard learned counsel for the petitioners and learned APP for the State. A supplementary affidavit has been filed on behalf of the petitioners, which is kept on record.

2. The petitioners seek bail in Gamhariya P.S. case No. 191 of 2022 instituted for the offences under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the accused persons called his son and took him along with them and after hatching conspiracy killed his son.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case.



Charge-sheet has been submitted in this case. General and omnibus allegation has been made against the petitioners. Specific allegation is against co-accused Sagar Kumar who has called the deceased. The informant is not an eye witness to the alleged occurrence. No incriminating material has been recovered from the conscious possession of the petitioners. The post-mortem report reveals that only one bullet injury was found on the person of the deceased and except suspicion, no other cogent material has come during investigation to connect the petitioners in the present case. The petitioners are in custody since 05.09.2023 and have no criminal antecedent. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 5926 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioners and the claim based on parity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Court



below/concerned Court in connection with Gamhariya P.S. case
No. 191 of 2022 subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioners.

(II) The petitioners shall appear on each and every
date fixed at the trial. In case of default in such appearance on
two consecutive dates, the Trial Court will have liberty to cancel
the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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