

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13942 of 2015

Arising Out of PS.Case No. -326 Year- 2014 Thana -BARAUNI District- BEGUSARAI

=====

SIKANDER SINGH @ MANGAL SINGH, S/O LATE SUJO SINGH,
RESIDENT OF VILLAGE KIUL, P.S. BARAUNI (GARHARA),
DISTRICT BEGUSARAI.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

=====

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

5 19-08-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Barauni
(Garhara) P.S. Case No. 326 of 2014 registered under Sections
147, 148, 149, 307, 324 of the Indian Penal Code and Section 27
of the Arms Act and later on Section 302 of the Indian Penal code
has also been added.

The accusation is that on 23.07.2014, informant,
Promod Singh, was sitting behind his house, six persons boarded
on two motorcycles came there and stop motorcycles in front of
him. At that time, accused Balmukund Singh, petitioner Mangal
Singh shot fire at the left chest and right thigh of the informant

through Pistol.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that occurrence is of 23.07.2014 at about 10 P.M. in which informant was shot fire and he died on 14.08.2014 in course of treatment after 21 days of the occurrence. It is further submitted that it would appear from the F.I.R. itself that the F.I.R. has been written by Sukesh Kumar Singh and only the informant has put his signature on 24.06.2014. Paragraph 2 of the case diary shows that on receiving the information, I.O. reached at the hospital, where received the written report and also saw the injury on the person of the informant and on that day he recorded the statement of four persons on separate sheets, whose name has detailed in paragraphs 6, 7, 8 and 9 but the I.O. did not recorded the further statement of the informant at that time in the hospital or till the death of informant on 14.08.2014 and no any reason has been disclosed in the case diary about not recording the re-statement of informant which itself sufficient about the false implication of the petitioner due to old enmity as stated in the F.I.R. Learned counsel for the petitioner further submits that co-accused, Balmukund Singh, who is said to be also fired at the informant, has already been allowed bail, under Section 167(2) of the Cr.P.C. due to non-submitting the charge sheet after lapse of

90 days. It is further submitted that it would appear from the case diary that the injured was taken at Begusarai hospital from the place of occurrence Garhara while two police stations are situated in the way on road but no information was given at that time. It is also submitted that petitioner is in custody since 28.08.2014

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Barauni (Garhara) P.S. Case No. 326 of 2014.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U			
---	--	--	--