

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37976 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -BIHPUR District- BHAGALPUR

1. Wokil Singh @ Wakil Singh Son of Jageshwar Singh @ Jago Singh
Resident of village - Hario, Police Station - Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Narsing Tanti (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-09-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail custody since 16.02.2015 in a case registered for offence punishable under Sections 307, 302, 120 (B)/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is based on the fardbeyan of Kiran Devi, informant, who is wife of deceased Vivek Singh recorded on 27.01.2015 at 16.45 alleging therein that when she was returning with grass from Bahiar along with her husband Vivek Singh, aged about 55 years and Bhaisur Bahadur Singh, Nanad Sindhu Devi, Jaimala Devi , wife of Bahadur Singh were also with her. It has been further alleged that as soon as they reached at Musahari



Ghat within Khana Bhaiyar, all the persons armed with deadly weapon namely, Mithlesh Singh (Faresh Singh), Chattish Singh, both sons of Brahamdeo Singh, Subodh Singh, Wokil Singh both sons of Babulal Singh, Santosh Singh, Nityanand Singh, both sons of Wokil Singh, Pawan Paswan, son of late Basu Paswan, Janta Paswan, son of Nepali Paswan, Wokil Singh, son of Jageshwar Singh, Nand Lal Sngh, son of Jageshwar Singh, Santosh Singh, son of Gurudeo Singh, Rajiv Singh , son of Chotte Lal Singh, Gautam Singh, Pritam Singh, sons of Uttam Singh, all residents of village- Hario, Police Station, Bihpur District, Bhagalpur surrounded them. Due to fear all persons fell down in the field hither and thither. In the meantime above named persons opened fire and her husband Vivek Singh and he fell down at the spot. Thereafter, all the above named persons fled away towards North Bahiar firing. It has been further alleged that the mastermind of the occurrence of murder is Surendra Singh, son of Uttam Singh. He got the murder with the help of other persons and many times he has told that none will be alive in your khandan and he has committed many murders of persons of her family and cause of the occurrence is enmity.

Learned counsel for the petitioner has submitted that the allegations against the petitioner are general and omnibus. It

has been submitted that 15 persons have been alleged to have fired.

A co-ordinate Bench of this court has granted privilege of bail to one Pritam Singh in C.W.J.C. No. 28335/2015 on 05.08. 2015 for same and similar offence. I do not propose to take a different view.

In view of the facts and circumstances, let the petitioner, namely, Wokil Singh @ Wakil Singh be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia in connection with Bihpur P.S.Case No. 18/2015.

It may be noted that the petitioner is also implicated in Bihpur P.S.Case No. 41 of 2013 under Sections 302, 307, 34 of the Indian Penal Code and 27 of the Arms Act. If it is found that in future if the petitioner is involved in occurrence of similar nature, learned court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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