

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45481 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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1. Motichand Raut @ Motichand Raut S/o - Shivchand Rawat R/o -
Ambedkar Nagar (Nirala Nagar), P.S. - Siwan Town, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.46771 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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1. Jitendra Soni @ Jarlahwa S/o Mahavir Prasad Soni R/o Ambedkar Nagar
(Nirala Nagar) P.S Siwan town, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45481 of 2015)

For the Petitioner/s : Mr. Anjani Parashar

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

(In Cr.Misc. No.46771 of 2015)

For the Petitioner/s : Mr. Anjani Parashar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 01-12-2015 Above noted both the applications have arisen out of

one occurrence i.e. Panchrukhi P.S. Case No. 124 of 2015

registered for the offences punishable under Sections 302/34 of the

Indian Penal Code, Section 27 of the Arms Act and Sections 3 (2)

(v) of SC/ST (Prevention of Atrocities) Act as such they have been

heard together and are being disposed of by this common order.

Dalu Baspore the husband of the informant had gone to Siwan to purchase pigs and then the petitioners caused threats and thereafter, when the husband of the informant was returning with motorcycle after loading pigs on tempo, he was shot dead.

Submission is of false implication due to suspicion. No one has seen the petitioners killing the deceased. During investigation only it has come vide paragraph 40 and 41 of the case diary that the petitioners and others were seen fleeing away with motorcycle after the occurrence. Those witnesses have not stated that the petitioners were armed with any weapon and Police after adopting 3rd degree method has recorded the confessional statement of petitioner Motichand Rawat which has got no evidentiary value in the eye of law and the petitioners are in custody since 17.05.2015 having no criminal antecedent and in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence as such they deserve sympathetic consideration to which the learned APP opposes by submitting that the petitioners and their associates were seen fleeing away from the place of occurrence just after the occurrence and the petitioner Motichand Rawat has confessed his

guilt also.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioners and in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners named above of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 124 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)