

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51981 of 2014

Arising Out of PS.Case No. -115 Year- 1995 Thana -BARAHIYA District- LAKHISARAI

- =====
1. Rabindra Singh son of Late Jago Singh
2. Ramanuj Singh son of Sri Nunu Kant Singh Both resident of village - Prayag Tola Berhaiya, Police Station - Berhaiya, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-03-2015 Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 147, 148, 149, 307 of the I.P.C and section 27 of the Arms Act, later on section 302 I.P.C. was added.

Allegedly the petitioners and others named in the FIR being armed surrounded the informant and co-accused Bipin Singh gave order to kill and then the informant and others after fleeing away came at the door of Krishna Singh and son of the informant, namely, Kishore Singh went in the room and then Anil Singh opened fire with his rifle which hit the son of the informant, namely, Kishore Singh.

Submission is that against the petitioners there is no specific allegation. They are neither order giver nor assailants and they are suffering in custody since 14.05.2014 and as such they deserve sympathetic consideration. In this case charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

In the facts and circumstances as stated above, considering that the petitioners are not the assailants and as such they are directed to 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 Adhoc Additional Sessions Judge V, Lakhisarai in S.Tr. No. 601 of 2014 arising out of Berhaiya P.S. Case No. 115 of 1995, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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