

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47911 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -SIKRAUL District- BUXAR

- =====
1. Uma Shankar Singh , Son of Bishwanath Singh
 2. Saroj Singh, Son of Uma Shankar Singh, Both Resident of Village- Babuganj English, P.S. Sikraul, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh
For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-12-2015 Heard the learned counsel for the petitioners, the learned A.P.P as also the learned counsel for the informant.

The petitioners seek bail in a case for the offence punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

After hearing the sound of firing in the courtyard the informant came and saw the petitioners being armed with gun and co-accused Kunti Devi fleeing away from the courtyard of the informant and in the courtyard the wife and the daughter of the informant were found shot dead. The motive behind the occurrence is alleged due to the land dispute.

Submission is of false implication and that both sides are the occupant of the same house after partition from a wall with considerable height. They are living separately, the main exit door

of the house and portion thereof has fallen in the share of the informant, the exit door has strong door shutter frame and planks are made of strong wood. The witnesses have not supported the story of taking arms by the petitioners, there is contradiction in their statement, it appears that the deceased was sleeping with country made arms which accidentally was fired killing both, without proper investigation charge sheet has been submitted and the petitioners who are father and son deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the witnesses during investigation vide paragraphs- 17, 33 and 34 have supported the allegation and the medical evidence also corroborates the prosecution version.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, and both were seen fleeing away with gun after the occurrence and as such this Court is not inclined to enlarge the petitioners on bail and accordingly their prayer for bail stands rejected in connection with Sikraul P.S. Case No. 60 of 2015 pending in the court of C.J.M. Buxar.

Abhay/-

(Jitendra Mohan Sharma, J)

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