

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37386 of 2014

Arising Out of PS.Case No. -135 Year- 2014 Thana -ALOULI District- KHAGARIA

Chamru Singh, son of Sri Rambadan Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45280 of 2014

Arising Out of PS.Case No. -135 Year- 2014 Thana -ALOULI District- KHAGARIA

1. Deo Chandra Singh S/o Ram Chandra Singh @ Bhultan Singh

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.37386 of 2014)

For the Petitioner/s : Mr. Tarun Kumar Sinha

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

(In Cr.Misc. No.45280 of 2014)

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 04-03-2015 Both the above stated petitions have arisen out of Alauli P.S. Case No. 135 of 2014 registered for the offence punishable under Section 302 of the Indian Penal Code but after completion of investigation charge sheet was submitted for the offences punishable under Sections 376/511, 379, 302/34 of the Indian Penal Code and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are not named in the first information report and it is alleged that one old mobile set was recovered near the place of occurrence and in course of investigation, the investigating officer came to conclusion that the sim of the aforesaid mobile had been issued in the name of one Lalji Singh and when the wife of aforesaid Lalji Singh was enquired, she disclosed that petitioner in Cr. Misc. No. 45280 of 2014 got issued the sim of the said mobile using identity card of the said Lalji Singh and thereafter, it is alleged that one pant containing mud was recovered from the house of the petitioner. Furthermore, in course of investigation, one Ranju Devi, who happens to be relative of the informant gave a written petition claiming herself to be an eye witness of the alleged occurrence and stated that she had seen the petitioners and others committing the alleged crime but admittedly, the aforesaid Ranju Devi gave written petition to concerned officer in charge after three days of the alleged occurrence.

Had the aforesaid Ranju Devi been an eye witness of the alleged occurrence, being relative of the informant she would have disclosed the name of petitioners just after the alleged

occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners 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 Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 135 of 2014.

(Hemant Kumar Srivastava, J)

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