

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49343 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Raj Kishore Singh son of Shivjee Singh,
2. Satyendra Singh, Son of Nandlal Singh, resident of village:- Paharpur
Ahlad, P.S.- Sahebganj, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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

3 04-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Sahebganj P.S.
Case No. 204 of 2015 registered for the offences punishable under
Sections 364/34 of the Indian Penal Code and later on Sections
302 and 201 IPC have been added.

Allegedly the informant and his brother Jawahar
Tiwari were returning and then the petitioners and other co-
accused being armed, pushed the brother of the informant and
kidnapped him and further tried to kidnap the informant but he
fled away and thereafter the Skelton was recovered alleged to be
of Jawahar Tiwary.



Submission is of false implication due to previous enmity, Sahebganj P.S. Case No. 185 of 2014 under Section 302 IPC was going on against the deceased and others giving rise to Sessions Trial No. 139 of 2015 and to put pressure, this case has been lodged. The petitioner no. 1 is suffering in custody since 29.08.2015 and petitioner no. 2 is suffering in custody since 25.08.2015 whereas, similarly situated co-accused Nidu Singh has been allowed pre-arrest bail vide order dated 02.11.2015 passed in Cri. Misc. No. 48642/2015 and Ranjan Singh has been allowed pre-arrest bail vide order dated 02.11.2015 passed in Cri. Misc. No. 46246 of 2015 by another co-ordinate Bench of this Court. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that in presence of the informant his brother was kidnapped and later on was killed and Skelton and clothes were recovered.

In the facts and circumstances stated above, considering that there is previous enmity between the parties and chargesheet has already been submitted and two of the co-accused have been allowed pre-arrest bail and, as such, the petitioners above named are directed to be released on bail on execution of

bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur arising out of Sahebganj P.S. Case No. 204 of 2015 subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J)

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