

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45383 of 2014

Arising Out of PS.Case No. -457 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

Kamal Singh Son of Chandradeo Singh resident of village- Brahm Tola,
P.S.- Turkaulia, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46504 of 2014

Arising Out of PS.Case No. -457 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

Laloo Prasad Sah @ Lal Babu Sah Son of Late Bhukhal Sah Resident of
Village - Laxmipur- Kachahriya Tola, P.S. - Turkoliya, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46737 of 2014

Arising Out of PS.Case No. -457 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

Abid Ali Son of Md. Kashim Ansari R/o village- Kawalpur, P.S.-
Turkaulia, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Md. Mushtaq Alam (App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 12-03-2015

All these applications arise out of Turkaulia P. S. case no. 457 of 2014, as such, they have been heard together and are being disposed of by this common order.

The petitioners seek bail in a case for the offence punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on telephonic call from Laloo Prasad Sah, the deceased started from his house to the place he was asked to reach. In the way, Laloo Prasad, Abid Ali and 2/3 persons accompanied the deceased. While they were going by motor-cycle, the deceased was stopped in the way and he was shot by fire arm causing his death.

It is submitted by the learned counsel for the petitioners that the informant is not the eye witness to the occurrence. During investigation Awadhesh Kumar Rai, the own brother of the deceased, claims himself to be an eye witness to the occurrence, has stated that the deceased, Ganesh Yadav, was moving on a motor-cycle and four persons were travelling on two motor-cycles, by the time one person, who was wearing a black T-shirt, shot at the deceased causing his death on the road. He raised alarm but all the accused fled away. He has also stated that some time prior to this occurrence, accused Kamal Singh was crossing that place on a motorcycle with Abid Ali. During investigation when call details were examined, it has been found that there was no call on 22/23 July, 2014 (the date of occurrence).

Learned counsel for the State submits that there is circumstantial evidence against the petitioners and the accused Kamal Singh and there are criminal antecedents against the petitioners also. After investigation chargesheet has been submitted against the petitioners.

Considering the facts and circumstances of this case, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari/court concerned in Turkaulia P. S. case no. 457 of 2014 after framing of charge with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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