

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39706 of 2015

Arising out of PS.Case No. -27 Year- 2010 Thana -SHYAMPUR BHATHA District- SHEOHAR

Pankaj Singh, son of Bijli Singh, resident of village- Ramban, PS-Shyampur Bhatha, District- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Mr. Anuj Kr.Srivastava(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Sessions Trial No. 58/2011, arising out of Shyampur Bhatha P.S. Case No. 27 of 2010 for the offences instituted under Sections 147, 148, 149, 427, 436, 307, 302, 120(B) of the IPC., 27 of the Arms Act, ¾ of the Explosive Substance Act and 17 of C.L.A. Act.

The prosecution story, in brief, is that while the informant was sitting at the door of his house alongwith his family members. Three accused persons arrived there on motorcycle, two of whom were holding Carbine in their hands and were identified as Suresh Sahani and Umid Sahani in solar and generator light. He



has alleged that the accused persons started indiscriminate firing causing bullet injury to his father Shyam Rai who died on the spot and in the meantime, 60 to 70 Moists surrounded the door and started raining bullets on the members of the prosecution party as a result, the brother of the informant Bhola Yadav, his uncle Bhagwan Rai, one villager Manohar Thakur died at the spot. He submitted that the scattered dead body of the deceased was cut into pieces and the head, hands, legs were cut by sharp cut weapon. He alleged that the terrorist Pankaj Singh having double barrel gun and Binay Singh with rifle, Wali Mohammad with rifle, Yogendra Singh with petrol, Gagandeo Sahani with A.K. 47, Yugal Ram with gun are identified in amongst the miscreants. He submitted that the accused Santosh Kumar was cutting the dead body into pieces by sword, the accused Bhagirath Sah set on fire the house and jeep by petrol, then the accused Dinesh Das armed with Farsa, Suresh Paswan with oil and all with weapons, bombs, and bullet killed four persons. He alleged that the accused persons were asking about information and in course of firing the informant received bullet injury in his hands. Stomach which was tied by Gamchha and he had seen the entire occurrence.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted

that the petitioner has falsely been implicated in the present case. It is further submitted that the police has submitted final form against the petitioner and the same was accepted by the Court. Subsequently, in course of trial, the Trial Court has issued summon under Section 319 Cr. P.C. Other with a similar fact has been granted anticipatory bail by this Court vide Cr. Misc. NO. 33097 of 2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and sufficient material has come against the petitioner in course of trial.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Sessions Trial No. 58/2011, arising out of Shyampur Bhatha P.S. Case No. 27/2010 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Sheohar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)