

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41269 of 2014

Arising Out of PS.Case No. -139 Year- 2012 Thana -BARAHIYA District- LAKHISARAI

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1. Birendra Singh @ Lolu Son of Late Ramawtar Singh
2. Shyam Kishore Singh Son of Late Luchho Singh Both resident of Village
- Sahjadpur, P.S. - Barahiya, District - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 27.04.2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in connection
with Barahiya P.S. Case No. 139 of 2012 dated 21.12.2012
instituted under Sections 147/148/149/341/302/379 of the
Indian Penal Code.

Learned counsel for the petitioners submits that
though as per the allegation by the informant, who is the uncle
of the deceased, they along with others had taken away the
deceased and had killed him but during investigation on the
basis of scientific findings of C.D.R. call details, the informant
could not have accompanied the deceased as the tower location
of the mobile numbers of the deceased and the informant were
almost 15 K.M. away since much before the time of the
occurrence and also after that. It is submitted that an
independent witness in Paragraph-76 of the case diary had
stated that it was they who were accompanying the deceased and

on the way four unknown persons had abducted him, which fact they had narrated to the brother of the informant and the informant at that time was not present and later the informant had come and tried to know about the incident from the said witness and the said witness had also stated the fact before the police. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P., upon going through the case diary, does not dispute the aforesaid position.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai in Barahiya P.S. Case No. 139 of 2012, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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