

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26445 of 2015

Arising out of PS.Case No. -59 Year- 2015 Thana -RUPAULI District- PURNIA

Devendra Singh @ Debu Singh @ Darogi Singh, son of Sri Mahendra Singh, resident of village- Siripur (Amghatta) P.O.-Tetri, Police Station- Naugachia, District-Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Thakur, Advocate.

For the Opposite Party : Mr. Nand Kishor Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 14.04.2015 in connection with Rupalee (Mohanpur) P.S. Case No. 59 of 2015 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 21.03.2015 at about 2.00 P.M., the informant's father Wakil Singh and Isahaque Mian went to Rupauli by Motorcycle and when they were returning and reached in between Rahi Tola and Jamaiya Tola near a culvert at about 6.00 P.M., some unknown criminals fire upon them. Due to fire-arm injury, Wakil Singh died at the spot



and Isahaque Mian died on the way while he was taking to Rupauli Hospital. Criminals left their Motorcycle bearing Registration No. BR-19-J-0177 on the place of occurrence and fled away towards maize field. On the basis of written report of the informant, this case was registered against unknown miscreants for the offence under Sections 302/34 of the IPC and 27 of the Arms Act.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. The name of the petitioner has come on the basis of confessional statement of co-accused. No incriminating article is said to have been recovered from possession of the petitioner. There is no eye witness to the occurrence. Other co-accused has been granted anticipatory bail by this Court vide Cr. Misc. No. 24488/2015.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like

amount each to the satisfaction of the learned J.M. Ist Class,
Purnea, in connection with Rupalee (Mohanpur) P.S. Case No.
59/2015.

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(Sudhir Singh, J)