

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19103 of 2015

Arising Out of PS.Case No. -366 Year- 1998 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Ashok Singh @ Ashok Shankar Singh
2. Rakesh Singh @ Rakesh Shankar Singh @ Rajesh Singh
Both are sons of Late Girija Shankar Singh, residents of village-
Bargaon, Police Station- Bagaha, District- West Champaran (Bettiah).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 15-06-2015 Heard Sri Buxi S.R.P.Sinha, learned Senior Counsel,

who was assisted by Sri Lokesh Kumar Singh, learned counsel for

the petitioners and learned Addl. Public Prosecutor.

Two petitioners, who apprehend their arrest in
connection with Bagaha P.S.Case no.366 of 1998 registered for
the offence under Sections 302, 201 and 120(B) of the Indian
Penal Code, have prayed for grant of bail.

Learned senior counsel submits that of course, the
petitioner have also been arrayed as accused in the F.I.R., after
investigation initially chargesheet was submitted against some of
the accused, investigation was kept pending against the petitioners

and others. Finally in the year, 2014 after conclusion of investigation, no case was made out against the petitioners and accordingly, the petitioners were exonerated and final report was submitted mentioning the name of petitioners in colum-12 of the chargesheet i.e. Annexure-2 to the present petition. He further submits that of course there is no material in the case diary, the learned Magistrate differing with the police report has taken cognizance of offence even against the petitioners.

In view of facts and circumstances, particularly the fact that the police after long investigation submitted final form in favour of the petitioners, it is fit case for extending the privilege of bail to the petitioners. Let the petitioners, namely, (i) Ashok Singh @ Ashok Shankar Singh (ii) Rakesh Singh @ Rakesh Shankar Singh @ Rajesh Singh, in the event of their arrest or surrender within a period of one month from today, be enlarged 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 learned Judicial Magistrate, 1st Class, Bagaha, West Champaran (Bettiah) in connection with Bagaha P.S. Case no.366 of 1998 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

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(Rakesh Kumar, J)