

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33097 of 2015

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

Binay Singh Son of Ram Deni Singh resident of village - Ramban, P.S.
Shyampur Bhatha, District - Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. J.N. Thakur(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 427, 436, 307, 302 and 120B of the Indian Penal Code, Section 27 of the Arms Act, Sections 3 and 4 of the Explosive Substances Act and Section 17 of the Criminal Law Amendment Act.

The prosecution case is that Shiya Ram Yadav, Bhola Yadav, Bhagwan Rai, Manohar Thakur were killed by indiscriminate firing made by the extremists. Several persons including the petitioner were identified. Petitioner was named in the FIR but on conclusion of the investigation, he was not sent up for trial, subsequently final form was accepted but during trial of other accused, an application under Section 319 Cr. P.C. was filed on

behalf of the prosecution on 23.01.2015 for summoning the petitioner. The said petition was kept on record but on the date of judgment in the trial of co-accused i.e., on 23.03.2015, the petitioner and one Pankaj Kumar were summoned in exercise of jurisdiction under Section 319 of the Cr. P.C.

It is submitted by learned counsel for the petitioner that during investigation, none of the witnesses have supported the accusation against the petitioner. Though, the petitioner was named in the FIR but he was not sent up for trial and final form was submitted and same was accepted. Moreover, petition for summoning the petitioner under Section 319 Cr. P.C. was filed at the fag end of trial and the court exercised the jurisdiction on the date of judgment of the trial of co-accused. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let above named petitioner be released on anticipatory bail, in event of arrest or surrender before learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Sheohar in connection with Shyampur Bhatha P.S. Case No. 27 of 2010, subject to

the conditions as laid down under Section 438(2) Cr.P.C.

Learned trial court below will positively cancel the bail bonds of the petitioner if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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