

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57096 of 2015

Arising Out of PS.Case No. -332 Year- 2005 Thana -SAMASTIPUR District- SAMASTIPUR

1. Jagdish Singh, son of late Nathuni Singh
2. Bindeshwar Singh, son of Jagdish Singh
3. Jitu Singh, son of Jagdish Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Smt. Gulnar Begam(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case is that the dead body of the son of the informant was found floating in the river when it was suspected that the FIR named accused persons and others assaulted the son of the informant and thrown the dead body in the river. Though, petitioner no.2 Bindeshwar Singh, is only



named in the FIR and name of petitioner nos.1 (Jagdish Singh) and 3(Jitu Singh) sprang up during investigation. On conclusion of investigation, the petitioners were not sent up for trial and final form was submitted. Subsequently, during trial of the co-accused petitioners have been summoned on 18.07.2015 by the learned Additional District and Sessions Judge in exercise of jurisdiction under section 319 Cr.P.C.

It is submitted by learned counsel for the petitioners that the son of the informant went missing on 18.06.2005, but the FIR was registered on 18.07.2005 and the petitioners were not sent up for trial. The learned court has not deliberated the evidence which persuaded the learned trial court to summon the petitioners. Moreover, the petitioners are ready to appear before the learned court below regularly.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Samastipur in connection with Samastipur Town Muffasil P.S. Case No.332/2005, subject to the conditions as laid down

under Section 438(2) Cr.P.C.

Learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for three consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--