

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14403 of 2015

Arising Out of PS.Case No. -76 Year- 2006 Thana -SONO District- JAMUI

- =====
1. Nand Kishore Singh son of Late Lakhan Singh
 2. Makku Singh @ Maku Singh son of Late Pradeep Singh
- Both residents of village - Kewali, P.O. Sono, P.S. Sono, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate
For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7-04-2015

Heard learned counsel for the petitioners and
the State.

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

It is alleged that on recovery of the dead body of
the husband of the informant from water channel First
Information Report was registered against four accused
persons and 2-3 unknown. Petitioners were not named in
the First Information Report. Subsequently, protest
petition was filed by the informant on 11.09.2006, where
six persons were named including the petitioners. On



conclusion of investigation the petitioners were not sent up for trial. During trial five witnesses were examined, whereupon the informant filed application under Section 319 Cr.P.C. for summoning the petitioners, which was rejected by the learned Sessions judge vide order dated 23.11.2007 passed in Sessions Trial No. 41A of 2007/05 of 2007. The said order was challenged by the informant Parmila Devi in Criminal Revision No. 17 of 2008, whereby the order dated 23.11.2007 passed by the learned Sessions Judge in Sessions Trial No. 41A of 2007 was set aside and the petition filed on behalf of the informant for summoning the petitioners and others for facing trial was allowed by this Court.

Considering the fact that the petitioners were not sent up for trial and now they have been summoned in exercise of jurisdiction under 319 of the Cr.P.C, the impugned order does not reflect any deliberation of the evidence by learned Sessions Judge, on the basis of which the petitioners have been summoned in exercise of jurisdiction under 319 Cr.P.C., let the above named petitioner be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned

Additional District & Sessions Judge, 3rd, Jamui in connection with Sono P.S. Case No. 76 of 2006, Sessions Trial No. 41A of 2007, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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