

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30376 of 2015

Arising Out of PS.Case No. -10 Year- 2010 Thana -NAUGACHIA District- BHAGALPUR

- =====
1. Tarkeshwar Singh @ Bajjo Singh @ Bajjo Singh
 2. Shankeshwar Singh @ Santu Singh @ Gyankeshwar Singh
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2015 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, 120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the petitioner and others resorted to indiscriminate firing and killed the nephew of the informant, namely, Rakesh.

It is submitted by learned counsel for the petitioners that the petitioners were not sent up for trial but differing with the final for cognizance was taken against the petitioners also vide order dated 12.02.2011 passed by the learned ACJM, Naugachia. It is further submitted that co-accused Ram Chandra Roy, who was initially charge-sheeted and was put on trial vide Sessions Trial no. 471 of 2011 has been acquitted vide judgment dated 28th

March, 2014 passed by the learned Ad-hoc Additional Sessions Judge, Naugachia since the informant has not supported the accusation to the extent that he could not see anyone firing at the victim. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the facts that the petitioners were not sent up for trial and the co-accused has been acquitted due to accusation being not supported by the informant, 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 ACJM, Naugachia, Bhagalpur in connection with Naugachia P.S. Case No.10 of 2010, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Since the petitioners have evaded to appear for a reasonable period, the learned court below will be at liberty to cancel the bail bonds of the petitioners positively, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

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