

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55594 of 2015**

Arising Out of PS.Case No. -159 Year- 2015 Thana -SATHI District-  
WESTCHAMPARAN(BETTIAH)

Binda Singh S/o Late Lalan Singh Resident of village - Bhabhata, P.S.  
Sathi, District West Champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Shakir Ahmad(App)

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR  
SAHOO**

**ORAL ORDER**

2      14-12-2015      Heard the learned counsel for the petitioner and the learned  
counsel for the informant and also the learned A.P.P. for the State.

The petitioner, Binda Singh, is in custody in Sathi P.S.  
Case No. 159 of 2015 under Sections 147, 148, 149, 302 and 120B  
of the I.P.C and Section 27 of the Arms Act.

According to the informant, Hasina Khatoon, the husband  
of the informant and son of the informant were killed by the  
accused persons including this petitioner. The allegation is that  
Bhutmun Singh fired at the husband of the informant and thereafter  
all the accused persons including this petitioner having rifle and  
farsa in their hand surrounded the husband and son of the  
informant and thereafter Vijay Singh fired at the head of the

informant's husband and Suresh Singh and Awdhesh Sah fired at the informant's son. Both of them died at the spot.

According to the learned counsel, there is no overt act alleged against the petitioner. He has been falsely implicated in this case and the allegation is only that he was in the mob and co-villager.

On the other hand, the learned counsel appearing on behalf of the State as well as the learned counsel for the informant objected the prayer and submitted that this petitioner along with co-accused persons surrounded both the deceased and prevented them for fleeing away and, therefore, only because there is no overt act, they can not be observed from the offence as Section 149 of the I.P.C is there.

Perused the F.I.R. The petitioner is named and the overt act alleged against this petitioner. He was armed with deadly weapons with the other co-accused persons and they surrounded and this is a case of two murders i.e., the husband of the informant and son of the informant. Therefore, the petitioner does not deserve bail. Accordingly, the bail application is rejected.

Sanjeev/-

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**(Mungeshwar Sahoo, J)**