

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40713 of 2015

Arising Out of PS.Case No. -245 Year- 2013 Thana -HUSAINGANJ District- SIWAN

1. Chhote Saheb @ Chhotey Saheb son of Late Samiuddin Khan resident of village - Semari, P.S. - Hasanpura (M.H.Nagar), District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.47846 of 2015

Arising Out of PS.Case No. -245 Year- 2013 Thana -HUSAINGANJ District- SIWAN

1. Laddan Khan Son of Late Fullmohmad Khan resident of Village : Semari, Police Station : M.H. Nagar, District : Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40713 of 2015)

For the Petitioner/s : Mr. Harshvardhan Shivsundaram

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

(In Cr.Misc. No.47846 of 2015)

For the Petitioner/s : Mr. Ramadhar Shekhar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are in custody in a case registered under
Sections 341, 323, 324, 302,34 of the Indian Penal Code.

The main allegation against the petitioners is of in
furtherance of conspiracy with other co-accused persons

committed the murder of the informant's distant relative, namely, Nanhe Khan by stabbing him.

It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent. They are in custody since 18.05.2015. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioners. The petitioners are not named in the FIR. As per FIR, one Sadam Khan and the informant are said to have accompanied the deceased when the alleged occurrence has taken place. Both the persons are the eye witnesses to the occurrence. Subsequently, after a period of four months, the said Sadam Khan, in his statement before the police, named the petitioners and on the basis of which the petitioners have been made accused in the present case. Subsequently the wife of the deceased has been examined in para 3 of the supplementary case diary where she has named certain persons as accused in the present case. Sadam Khan is also named as an accused in the present case by the wife of the deceased. The petitioners have not been named by the wife of the deceased.

On behalf of the State and counsel for the informant, it has been submitted that the names of the petitioners have come in course of investigation and Sadam Khan is an eye witness to the

occurrence, who has made specific allegation against the petitioners.

Considering the fact that as the wife of the deceased herself has made Saddam Khan as an accused in the present case, let above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in Hussainganj P.S.Case No. 245 of 2013.

(Sudhir Singh, J)

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