

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56469 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

- =====
1. Devendra Singh, son of Late NandLal Singh, resident of village- Paharpur Ahlad, P.S.- Sahebganj, District: Muzaffarpur.
 2. Satyendra Singh, son of Late Birendra Singh @ Bigu Singh, resident of Village:- Bangra Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.2311 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

- =====
1. Braj Kishore Singh @ Brij Kishore Singh son of Late Nand Lal Singh resident of village - Paharpur Ahlad, P.S. - Sahebganj, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.56469 of 2015)

For the Petitioner/s : Mr. Yugal Kishore

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

(In Cr.Misc. No.2311 of 2016)

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. A.K.Choudhary(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 04-04-2016

Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the

learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 364/34, 302 and 201 of the I.P.C

Allegedly, the informant and his brother Jawahar Tiwari were returning and then the petitioners and other co-accused being armed pushed the brother of the informant and kidnapped him and further tried to kidnap the informant but he fled away and thereafter the skeleton was recovered on 14.08.2015 alleged to be of Jawahar Tiwari.

Submission is of false implication due to the previous enmity, Sahebganj P.S. Case No. 185 of 2014 under section 302 I.P.C. was going on between the deceased and the petitioners giving rise to the Sessions Trial No. 139 of 2015 and to put pressure this case has been lodged, the petitioners without any fault are suffering in custody since long, the incident of kidnapping is said to be of 10.08.2015 and the skeleton was recovered on 14.08.2015 and within four days the dead body cannot be turned into skeleton, inspite of several opportunities given the D.N.A. test report has not been received, similarly situated co-accused Nidu Singh @ Saroj Kumar has been allowed pre-arrest bail vide order dated 02.11.2015 passed in Cr. Misc. No.



48642 of 2015 and Braj Kishore Singh @ Brij Kishore Singh has also been allowed pre-arrest bail vide order dated 02.11.2015 passed in Cr. Misc. No. 46246 of 2015 by another coordinate Bench of this Court and further co-accused Raj Kishore Singh and Satendra Singh have been allowed regular bail and recently Nathuni Singh has been allowed regular bail and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that in presence of the informant the brother was kidnapped by the petitioners and others and later on the skeleton and cloths were recovered and further the petitioners have got criminal antecedents.

In the facts and circumstances as stated above, considering that there is previous enmity between the parties, charge sheet has already been submitted, other co-accused either have been allowed pre-arrest bail or regular bail and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. West Muzaffarpur in Sahebganj P.S. Case No. 204 of 2015/ G.R.No. 2035 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within

the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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