

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3341 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -LADANIA District- MADHUBANI

1. Bablu Singh Son of Ram Narayan Singh, Resident of Village - Bela Kothi, Police Station - Khajauli, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.5752 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -LADANIA District- MADHUBANI

1. Dhramdeo Singh @ Dharma Son of Shivjee Singh, Resident of Village - Pachhar, P.S. - Jay Nagar, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.5846 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -LADANIA District- MADHUBANI

1. Siyalal Yadav, Son of Baukoo Yadav, Resident of Village- Dharmban, Police Station- Ladaniya, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.3341 of 2016)

For the Petitioner/s : Mr. Birendra Kumar Singh

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

(In Cr.Misc. No.5752 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Jha

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

(In Cr.Misc. No.5846 of 2016)

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Ataur Rahman(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 17-03-2016

All the three 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 323, 341, 324, 452, 307, 120 (B) and 34 of the I.P.C

Allegedly, one person was standing with the motorcycle in the starting position at the door of the informant and two boys came from the house running out of whom one was having blood stained knife, behind them Sita Devi the wife of the informant who was pregnant of eight months came crying and fell down at the door and then the three miscreants speed away on the motorcycle. However, the wife of the informant was brought to the hospital and the miscreants were chased and then the petitioner Bablu Singh was caught who was identified as sitting on the motorcycle and he stated the name of other co-accused. Further, as per the call made by Bablu Singh other two co-accused, namely,

Dhramdeo Singh @ Dharma and Dhrambir Sadai were apprehended and all the three accused persons confessed their guilt stating the name of petitioner Siyalal Yadav that he hired them to kill the wife of the informant after paying Rs. 50,000/-.

Submission is of false implication and that the petitioner Bablu Singh was made victim of the circumstances, he was not caught at the spot rather he was caught at village- Piprahi, his confessional statement made before the police has got no evidentiary value in the eye of law, besides the confession there is no other legal material against the rest two petitioners, in the confessional statements there are contradictions which have been recorded by adopting third degree method by the police.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner Bablu Singh was caught after chase when he was trying to flee away and on his call the two other co-accused, namely, Dhramdeo Singh @ Dharma and Dhrambir Sadai were apprehended and further from the call detail report, vide paragraphs- 61, 62 and 63 of the case diary, it reveals that all were in touch with each other before committing the crime and after committing the crime and the wife of the informant having eight months pregnancy died due to the assault made by Dhramdeo

Singh @ Dharma and Dhrambir Sadai, the petitioners under criminal conspiracy have committed the crime and as such they do not deserve bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, which finds support during investigation also and as such this Court is not inclined to enlarge the petitioners on bail at this stage and accordingly their such prayer stands rejected in connection with Sessions Trial No. 360 of 2015 arising out of Ladaniya P.S. Case No. 119 of 2015/ G.R. No. 2362 of 2015, pending in the court of the Additional District & Sessions Judge-II, Madhubani.

(Jitendra Mohan Sharma, J)

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