

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5478 of 2016

Arising Out of PS.Case No. -312 Year- 2015 Thana -SIWAN CITY District- SIWAN

1. Uma Shankar Singh, Son of Late Dhari Singh, resident of Mohalla-
Makdum Sarai, P.S: Siwan Town, (Saray O.P.), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Ramadhar Shekhar, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Singh, APP

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

3 31-03-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Siwan
(Town) P.S. Case No. 312 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is not named in the First Information
Report wherein it is alleged that two persons came and called
the deceased for vegetable and when he came out, one person
shot him and fled away with motor-cycle. During investigation,
the informant in her further statement made on 05.08.2015 did
not name the petitioner or anyone, who claims to identify them

but later on the family members stated the name of the petitioner and co-accused and further the informant in her re-statement stated the name of the petitioner and the petitioner also confessed his guilt.

Submission is of false implication and that the name of the petitioner was taken after more than one month of the occurrence and as such the same is not reliable, the confessional statement has got no evidentiary value in the eye of law, if the informant and her family members were knowing from before then the petitioner and co-accused ought to have been named in the First Information Report itself, and as such, the petitioner deserves sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering that the name of the petitioner was taken after much delay, and as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan (Town) P.S. Case No. 312 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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