

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14300 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -JAMOBABAZAR District- SIWAN

Sri Ram Singh Son of Late Satya Narayan Singh, Resident of Village-
Talimapur, P.S. Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.6407 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -JAMOBABAZAR District- SIWAN

Lallan Singh S/o Late Amla Singh resident of Village - Talimapur, P.S.
Jamo Bazar, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.14300 of 2016)

For the Petitioner/s : Mr. (Dr.) Amarendra Kumar, Advocate
Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Parmanand Kumar(APP)

For the Informant : Mr. Choubey Jawahar, Advocate

(In Cr.Misc. No.6407 of 2016)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate,
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. A.Dayal (APP)

For the Informant : Mr. Choubey Jawahar, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 25-05-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Petitioners are languishing in jail custody since
18.09.2015 and 30.09.2015 respectively in connection with Jamo

Bazar P.S. Case No. 87 of 2015 pending in the Court of learned Chief Judicial Magistrate, Siwan registered for the offences punishable under Sections 341, 307, 504, 506/34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case, in brief, is that while the informant and her husband was watching construction work in Baldihan Bazar, accused persons reached there and told the informant and her husband not to depose against them in the earlier case. Thereafter, during scuffle, accused persons fired, which hit at the head of the informant's husband causing injury and during treatment, he died.

It is submitted by the counsel for the petitioners that there is general and omnibus allegation against these petitioners and the injured received only one injury on his skull, as is evident from the injury report and the petitioners have been implicated in the aforesaid case due to land dispute. He submits that a civil dispute was pending against the petitioners and the deceased due to which this occurrence took place. He further submits that there is allegation of firing against three persons, but only one injury has been found on the person of the deceased, which is alleged to have been caused by petitioner, Lallan Singh.

However, learned counsel for the informant submits that the postmortem report specifies four injuries and the petitioners, including accused Manish Kumar Singh @ Manish Singh have committed the said offence. It is said that the prayer of accused Manish Kumar Singh @ Manish Singh for grant of bail has been rejected by a Coordinate Bench of this Court in Cr. Misc. No. 55809 of 2015 on 18.12.2015.

Learned A.P.P. for the State, on the other hand, submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the period of custody and the seriousness of the allegation levelled against the petitioners, I am not inclined to grant the privilege of bail to the petitioners at this stage. These applications are, accordingly, rejected.

(Nilu Agrawal, J.)

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