

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15375 of 2016

Arising Out of PS.Case No. -173 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

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1. Awadh Singh @ Loha Singh Son of Late Kapildeo Singh, Resident of
Village- Khuthadih, P.S. Barahiya, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the Opposite Party : Mr. Dr. Kr.Uday Pratap (App)

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

3 20-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Barahiya
P.S. Case No. 173 of 2014 registered for the offences punishable
under Sections 147, 148, 149, 452, 302, 120(B), 341 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegedly, the husband of the informant and daughter
Kajal Kumari were sleeping on the roof of the house and in the
night the informant heard the sound of firing and saw from the
window some persons on the road, out of them she identified the
petitioner and 8 others named in the First Information Report, out
of them, one raised alarm to come down and when the informant
went at the roof of the house, she saw her husband dead and Kajal

Kumari disclosed that firstly Pankaj Kumar shot fire at her father Sanjay Singh and again fired at her, due to not withdrawing of the case.

Submission is of false implication and that Kajal Kumari has specifically alleged that Pankaj Kumar shot fire at her father and upon her, due to previous enmity the petitioner has been implicated, Pankaj Singh against whom there is specific allegation has already been allowed bail by another Bench of this Court on 27.10.2015 passed in Cr. Misc. No. 47176 of 2015 and further co-accused Sudhir Singh has also been admitted to bail vide Cr. Misc. No. 55203 of 2015 and Rajesh Singh has been allowed bail also and as such the petitioner, who is suffering in custody since 22.11.2015 also deserves sympathetic consideration.

Learned A.P.P. submits that the prayer of bail of other co-accused has also been rejected by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, the petitioner above named is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No.173 of 2014, subject to conditions that one of the bailors

must be 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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