

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20242 of 2016

Arising Out of PS.Case No. -241 Year- 1999 Thana -AMARPUR District- BANKA

Vijay Singh, son of Late Naresh Singh, Resident of Village- Kathail, P.S.-
Amarpur, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.20289 of 2016

Arising Out of PS.Case No. -241 Year- 1999 Thana -AMARPUR District- BANKA

Banke Singh son of Vibhuti Singh @ Bhuthi Singh, Resident of village-
Kathail, P.S.- Amarpur, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.20242 of 2016)

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar(App)

(In Cr.Misc. No.20289 of 2016)

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 23-05-2016 Both the Cr. Misc. applications are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

The petitioners seek bail in a case for the offences

punishable under sections 302, 307, 324, 325, 120B of the Indian

Penal Code and 27 of the Arms Act.

The petitioners along with other co-accused are named in the F.I.R. with allegation that those accused persons along with 150-200 unknown entered into the village variously armed, opened fire and killed Sudhir Mandal, Kari Devi and Chano Devi even by using Tangi and also injured several others.

Submission is of false implication and that there is no specific allegation against the petitioners and in this case, several co-accused similarly situated have faced trial vide Sessions Trial No.471 of 2003 and they have been acquitted and, as such the petitioners, who are suffering in custody since 25.11.2015 also deserve sympathetic consideration.

The learned A.P.P. seriously opposes the prayer of bail by submitting that this is a case of the year 1999, the petitioners remained absconding, charge sheet was submitted against them also showing absconder in the year 2006 and their appearance have been made possible after their arrest.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioners on bail considering the period of abscondance. Accordingly, their prayer for bail stands rejected in connection with S. Tr. No.13 of 2016 arising out of Amarpur P.S. Case No.241 of 1999 pending in the

court of Additional Sessions Judge, 5th, Banka.

However, after examination of informant and two other prosecution witnesses during trial, the petitioners may renew their prayer for bail.

(Jitendra Mohan Sharma, J)

N.H./-

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