

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44713 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -AJIMABAD District- BHOJPUR

- =====
1. Ajay Singh @ Ajay Kumar Singh
 2. Sanjay Singh Both sons of late Dev kumar Singh resident of Village-
Kirkiri, Police Station Azimabad, in the district of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

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

5 19-02-2016 Heard the learned counsel for the petitioners as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offence

punishable under section 302/34 of the I.P.C

Allegedly, the petitioner no.1 informed the informant
Brij Mohan Yadav, a chaukidar, that one thief has been caught and
then the informant went at the house of the petitioners after
sending petitioner no.1 to the police station and then found in the
house of the petitioners one youth dead and on enquiry the
petitioner no.1 told that the thief was assaulted by them and other
family members after tying him and thereafter villager Satendra
Mistry, Lal Bahadur Yadav, Umesh Yadav and 15 to 20 persons

assaulted the thief with rod and danda causing his death.

Submission is of false implication and that the deceased was resident of Village- Khaihim, P.S. Chhatarpur, District- Palamu which is evident from the statement of father of the deceased and with intention to commit theft he entered into the house of the petitioners and then he was assaulted and other villagers assembled and started assaulting him resulting he died, the petitioners have not killed the deceased which is evident from paragraph-67 of the case diary wherein Rama Kant Singh as an eye witness has not stated the name of the petitioners as the assailants and as such the petitioners who are suffering in custody since 05.05.2015 deserve sympathetic consideration as they have got no criminal antecedents.

The learned A.P.P. opposes prayer for bail by submitting that during investigation it has come that the deceased was called by one Kiran Devi and thereafter the deceased who was preparing for competitive examination at Patna went there and was killed and the matter appears to be love affairs.

In the facts and circumstances as stated above, considering that the petitioners are not the assailants and the deceased was assaulted by the villagers brutally and as such considering detention of the petitioners and further that charge

sheet has already been submitted and there is no chance of tampering with the prosecution evidence, they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Pramod Kumar Pandey, J.M. 1st Class, Ara in Azimabad P.S. Case No. 25 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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