

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49366 of 2015

Arising Out of PS.Case No. -321 Year- 2015 Thana -BUXAR District- BUXAR

Vikash Singh Son of Jairam Singh Resident of Village Kawal Pokhar, P.O. Mahila, P.S. Itarhi, District Buxar.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

with

Criminal Miscellaneous No.51021 of 2015

Arising Out of PS.Case No. -321 Year- 2015 Thana -BUXAR District- BUXAR

Pratik Singh Son of Shiv Bahadur Singh resident of village- Khalishpur, P.S.- Nonhara, District- Gajipur (U.P.)

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.49366 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

(In Cr.Misc. No.51021 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Madan Kumar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 02-02-2016 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Buxar (Town) P.S. Case No. 321 of 2015 registered for the offences punishable under Sections 324, 307, 302, 201/34, 120-B of the Indian Penal Code.

Allegedly, the son of the informant was killed by the petitioners and other co-accused, being in collusion and conspiracy with each other wherein pistol was provided to co-accused Chandan Kumar Singh who shot the son of the informant and he died in the way to hospital.

Submission is of false implication and the informant is not eye witness and further during investigation also no one has claimed to have seen the petitioners committing the crime, the alleged confessional statement of Chandan Kumar Singh has got no evidentiary value in the eye of law and further the alleged confession of the petitioner, Pratik Singh is also of no value as the same was obtained after using third degree method and further nothing has been recovered from possession of the petitioner Pratik Singh, without any legal and cogent evidence, the petitioners are suffering in custody. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner Pratik Singh has got criminal antecedent.

In the facts and circumstances stated above, considering that against the petitioners there is no direct evidence and further considering the detention, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Buxar arising out of Buxar (T) P.S. Case No. 321 of 2015 subject to the 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 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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