

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55203 of 2015

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

Sudhir Singh, son of Late Nakat Singh, resident of Village- Chetan Tola
Khutha, P.S.- Barhaiya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barahiya
P.S. Case No.173 of 2014 registered under Sections 147, 148, 149,
452, 302 and 120(B)/34 of the Indian Penal Code besides Section 27
of the Arms Act.

The allegation of the informant, Anita Devi, is that on
08.10.2014 at about 09.00 P.M. after taking the dinner, she
alongwith her husband Sanjay Singh and children went to the roof
of the house for sleeping but after some time, she got down from the
roof while her husband and one daughter, namely, Kajal Kumari,
were sleeping at the roof of the house. All of sudden in the night,



she heard sound of firing, then she saw from the window some persons on the road, out of them she identified the petitioner and eight others, named in the F.I.R., and out of them, one raised alarm to come down from the roof as the work has been finished. Thereafter on weeping of her daughter, when the informant went at the roof of the house, then she saw her husband dead and blood oozing injury on the leg of her daughter, Kajal Kumari, who disclosed that firstly, Pankaj Kumar shot fire at her father Sanjay Singh and again fired at her in which she sustained injury saying that it is the result of not withdrawing the case.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the specific allegation of making firing on the deceased, the husband of the informant, and caused firearm injury to Kajal Kumari, the daughter of the informant, is attributed to Pankaj Kumar and nine others including the petitioner are said to be present at that time on the road. In fact, the petitioner is the brother of the co-accused Arun Kumar Singh alias Khikhar Singh with whom there is litigation with the family of the informant, due to that reason, the petitioner has falsely been implicated in this case. Moreover, Pankaj Singh, against whom there is specific allegation of making firing due to which the husband of the informant died and her daughter sustained

injury, has already been granted bail by a Bench of this Court vide order dated 27.10.2015 passed in Criminal Misc. No.47176 of 2015. The petitioner is in jail custody since 18.05.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No.173 of 2014. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner. Further, the petitioner shall remain present in the court below during the course of the trial on each and every date and if he fails to remain present in the court below on two consecutive dates without reasonable cause being shown, the learned trial court would be at liberty to cancel his bail bonds.

(Rajendra Kumar Mishra, J)

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