

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57755 of 2015

Arising Out of PS.Case No. -524 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Sumit Kumar Singh @ Sumit Don S/o Pramod Kumar Singh
2. Roshan Kumar Singh S/o Harivansh Singh @ Haribansh Singh
Both are Resident of Vidyapati Nagar, P.S.-Saharsa, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-02-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners seek bail in connection with Saharsa (Sadar) P.S. Case No. 524 of 2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, Raushan Singh, the younger brother of the informant, was shot dead at Saharsa and then the informant went there, Amit Kumar Singh, the room-met of deceased Raushan Singh, told the informant that four days ago there was quarrel between one Raushan Singh and deceased Raushan Singh and that Raushan Singh is friend of Sumit Don and the deceased on their

call went at the house of Banti Singh, further Sumit Don took away the deceased and killed him.

Submission is of false implication and that there is no eye witness of the occurrence, no one has seen the petitioners committing the crime, Amit Kumar Singh in paragraph 8 of the case diary has only stated regarding earlier quarrel between the petitioner Raushan Singh and deceased Raushan Singh and further that the petitioner went with Sumit Don to purchase clothes at V-Mart and thereafter, it was heard that Raushan Singh was killed by criminals. The confession recorded by the Police got no evidentiary value in the eye of law and as such the petitioners who are suffering in custody since 13.07.2015 and 16.07.2015 respectively deserve sympathetic consideration to which learned APP opposes by submitting that it is a case of circumstantial evidence.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa (Sadar) P.S. Case

No. 524 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.

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(Jitendra Mohan Sharma, J)

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