

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41029 of 2016

Arising Out of PS.Case No. -275 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

Rajiv Singh S/o Ganesh Narayan Singh R/o Village- New Chankya Nagar,
Pokhariya, Ward No. 38, P.S. Begusarai town, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.43765 of 2016

Arising Out of PS.Case No. -275 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

Sanjay Yadav @ Sanjay Kumar s/o Hari Yadav @ Hari Shankar Prasad
Yadav Resident of village- Bishanpur, P.s.- Nagar, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.41029 of 2016)

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Md. Sufiyan

(In Cr.Misc. No.43765 of 2016)

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

4 28-10-2016 Since both the petitions for bail relates to the same
F.I.R. both the petitions were heard together .

Heard Sri Shubhesh Pandey, learned counsel for the
petitioner in the 1st case , Sri N.K. Agrawal, learned senior
counsel assisted by Sri Binod Kumar, learned counsel for the
petitioner in the 2nd case and Mr. Md. Sufiyan, learned

Additional Public Prosecutor has appeared in both the cases.

It was submitted by Sri Pandey that in the F.I.R. the informant has categorically stated that the deceased had gone with his friend i.e. the petitioner. Her husband was dealing with the sale and purchase of land and from Line Hotel he rang the informant to come along with certain papers of the land. Thereafter she went with the paper and in her presence six accused persons on three motorcycles arrived who were armed and fired on the husband of the informant. In this indiscriminate firing her husband received serious injury and he died while he was being carried to hospital. He submits that name of the petitioner was mentioned in the body of the F.I.R. showing as friend of the deceased and in accused column name of six persons were mentioned. Much belatedly the informant has come out with a case that the petitioner was also one of the conspirators and on that very basis petitioner was made accused. He submits that save and except unsustainable suspicion there is no material to connect the petitioner.

Learned Additional Public Prosecutor has opposed the prayer. He submit that on the basis of materials on record there is reason to believe that petitioner is also one of the conspirators in the occurrence.

In this case earlier case diary was called for which has been received and kept on record.

Besides hearing I have perused the case diary and after going through same, the court is satisfied that the petitioner may not be detained further in custody. Accordingly let the petitioner namely Rajiv Singh in Cr. Misc. No. 41029 of 2016 be released on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai / concerned court in connection with Begusarai Town P.S. Case No. 275 of 2016.

Sri N.K. Agrawal, learned senior counsel appearing in the 2nd case by way of referring to the F.I.R. has argued that it is true that petitioner was arrayed as one of the accused but there is no specific accusation against the petitioner. He submits that in the F.I.R. there is specific accusation against three accused persons regarding firing on the husband of the informant. The informant has not made specific allegation of firing made by the petitioner which hit the deceased whereas learned Additional Public Prosecutor submits that petitioner was amongst six accused persons who had arrived on three motorcycles. Besides specific allegation against three accused persons there is allegation that

other accused persons also fired . He submits that in a case of indiscriminate firing it would be difficult to specify as to which fire hit which portion of the deceased. He further submits that in paragraph no. 56 of the case diary besides presence and participation of the petitioner some other material has already been collected.

In view of the facts and circumstances I do not find any ground to grant bail to the accused Sanjay Yadav @ Sanjay Kumar in Cr. Misc. No. 43765 of 2016. His prayer for bail stands dismissed.

(Rakesh Kumar, J)

Praful/-

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