

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28769 of 2016

Arising Out of PS.Case No. -206 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

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Maakhan Singh @ Chandra Dev Singh, son of Late Ambika Singh, resident
of Village- Jaitpur, P.S.- Barahiya, District- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.29610 of 2016

Arising Out of PS.Case No. -206 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

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Sethi Singh @ Rupak Singh son of Bijay Shankar Singh @ Bijay Singh,
resident of Village- Jaitpur, P.S.- Barhaiya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.28769 of 2016)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

(In Cr.Misc. No.29610 of 2016)

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 05-09-2016 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted for the offences under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

The accusation against the accused persons including the petitioners is that they made indiscriminate firing causing

death of the informant's brother, namely, Mohan Kumar.

It has been submitted on behalf of the petitioners that the petitioner Maakhan Singh @ Chandra Dev Singh is in custody since 17.11.2015 and petitioner Sethi Singh @ Rupak Singh is in custody 22.1.2016 and the charge sheet has been submitted in the present case. Altogether thirteen persons including the petitioners have fired upon the deceased causing as many as eight injuries on the body of the deceased. It is a case and counter case between the parties. General and omnibus allegation has been made against the petitioner Maakhan Singh @ Chandra Dev Singh. The petitioner Maakhan Singh @ Chandra Dev Singh has also received injury caused by the informant and others, for which the petitioner Maakhan Singh @ Chandra Dev Singh has lodged Barahiya P.S. case No.226 of 2015 vide Annexure 2 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. and specific allegation has been made against the petitioner Sethi Singh @ Rupak Singh for causing injury upon the deceased by fire arm. The injury caused to the informant of the counter case has been explained by the prosecution in course of investigation. The P.O. is said to be the tea stall. The owner of the said tea stall, who is an independent eye witness to the occurrence, has been examined in paragraph 39

of the case diary. Specific allegation has been attributed by him against one Tuttu Singh and the petitioner Sethi Singh @ Rupak Singh for firing upon the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner Sethi Singh @ Rupak Singh. The same is rejected.

As far as the petitioner Maakhan Singh @ Chandra Dev Singh is concerned, it is directed that the petitioner Maakhan Singh @ Chandra Dev Singh be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. case No.206 of 2015.

The Court below is directed to take all necessary steps to expedite the trial. If the Trial Court finds that the petitioner Maakhan Singh @ Chandra Dev Singh is not co-operating during trial, the Court below will be at liberty to cancel his bail.

(Sudhir Singh, J)

Narendra/-

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