

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39544 of 2016

Arising Out of PS.Case No. -64 Year- 2014 Thana -SIKRAUL District- BUXAR

- =====
1. Kariya Singh Son of Mohit Singh
 2. Mohit Singh Son of Late Shiv Narayan Singh
 3. Ghanshyam Singh Son of late Shiv Narayan Singh All resident of Village Bhadar, P.S- Sikraul, District - Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajeev Ranjan, Advocate.

For the Opposite Party : Mr. Shantanu Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-11-2016 Heard both sides.

The petitioners Kariya Singh, Mohit Singh and Ghanshyam Singh apprehend their arrest in Sikraul P.S. Case No. 64 of 2014 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The informant named the petitioners along with Nada Singh @ Arun Singh and Bhodu Singh and alleged that Nada Singh @ Arun Singh and Kariya Singh caught hold the deceased Chandan Kumar. Bhodu Singh assaulted the deceased along with Mohit Singh with dagger. 4-5 persons were keeping watch over the occurrence.

Learned counsel for the petitioners submits that during



course of investigation none of the witness has supported the case of the prosecution and the police after investigation submitted final form finding the case true against Nada Singh @ Arun Singh and Bhodu Singh. The petitioners were not sent up for trial as no cogent evidence was found. The trial began, thereafter the prosecution filed a petition under Section 319 of the Code of Criminal Procedure for summoning the petitioners to face the trial. It is further submitted that P.W. 1 Babban Singh, P.W. 2 Ranjit Singh, P.W. 3 Nagendra Singh and P.W. 4 Raman Singh were examined during course of investigation but they did not disclose the name of the petitioners as assailants of the deceased. They have deposed in the court but they improve their versions in court that petitioners also participated in the murder of Chandan Kumar.

Learned APP however opposed the prayer for anticipatory bail of the petitioners.

It appears that police after investigation submitted final form against the petitioners as the petitioners were not sent up for trial but during course of investigation name of the petitioners were disclosed by P.W. 1, P.W. 2, P.W. 3 and P.W. 4 who were examined by the police during course of investigation but they did not disclose the name of the petitioners and later on during course of trial they named the petitioners.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Sikraul P.S. Case No. 64 of 2014, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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