

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50139 of 2016

Arising Out of PS.Case No. -421 Year- 2016 Thana -KANTI District- MUZAFFARPUR

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1. Shatrughan Singh Son of late Ram Siyaware Singh
2. Ravi Shankar Singh@Sunil Singh Son of Sri Shatrughan Singh Both are
resident of Village-Yashodamath, P.S. Kanti, Distt Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-12-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
12.09.2016 in connection with G.R. No. 2114 of 2016 arising out
of Kanti P.S.Case No. 421 of 2016 registered for the offence
punishable under Sections 147, 148, 149, 341, 307, 302, 379 of the
Indian Penal Code and under Section 27 Arms Act.

The prosecution case as lodged by the brother of the
deceased (Shivesh Kumar) is that while they were returning from
their jewellery shop, the petitioners surrounded them and fired
upon his brother due to which his brother succumbed to injuries
and took away the money and jewellery and fled away.

It has been submitted by the learned counsel for the
petitioners that other accused had previous enmity with the



informant side for which Kanti P.S. Case No. 90 of 2008 have been lodged by the informant side. It has been submitted by the learned counsel for the petitioners that they are innocent, have no criminal history and have been falsely implicated in the aforesaid case. He submits that the informant, who is eye witness, has not alleged any overt act committed by the petitioners and it was other co-accused, who has fired on his brother. It has further been submitted that the petitioners are not concerned with the previous case between the informant and petitioners' side and that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that the witnesses have seen the petitioners with fire arm but none of the witnesses have seen the occurrence.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and had accompanied the co-accused and the witnesses have supported the prosecution case, hence opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted and there is no specific allegation of assault by the informant. let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate- , West Muzaffarpur in connection with G.R. No. 2114 of 2016 Kanti P.S. Case No. 421



of 2016 subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station/ court and that the petitioners are directed to appear before the court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds. This is subject to the further condition that the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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