

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51443 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -CHANDI District- BHOJPUR

=====

1. Deepak @ Mishra @ Rilesh @ Ritesh s/o Bijendra Singh
2. Ambica Singh s/o Late Sobhan Singh
3. Santosh Kumar @ Bagha s/o Ambica Singh, all are Resident of Village-
Salempur, P.S.- Chandi, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Informant : Mr. Parawej Khan

For the State : Mr. Umanath Mishra

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioners are languishing in judicial custody in
connection with Chandi Police Station Case No.19 of 2016 for
offences alleged under Sections 147, 323, 342, 307, 302 of the
Indian Penal Code and 27 of the Arms Act. .

Prosecution case, as lodged by the informant, is that
he along with his nephew, Manoj Kumar was returning after
purchasing some parts of tractor, in the mid way, the petitioners
along with other co-accused came and one Bijendra Singh fired
causing injury to the informant and his nephew. While he was



seriously injured, his nephew succumbed to the injury.

It has been submitted by the counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case. It is submitted that the petitioners were present along with co-accused, Bijendra Singh and there is no allegation of assault against these petitioners. Petitioner no. 1 is in custody since 2.8.2016 and petitioner nos. 2 and 3 are in custody since 27.7.2016. It is further submitted that the charge-sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence and another co-accused on similar allegation has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Criminal Misc. No. 43692 of 2016 on 14.12.2016.

However, learned counsel appearing on behalf of the informant states that petitioner no. 2 has been alleged to be a order giver and all the petitioners were present on the place of alleged occurrence, hence opposes the prayer for bail.

However learned A.P.P. for the State also submits petitioners are named in the First Information Report, hence opposes the prayer for bail.

Be that as it may, since the charge-sheet has already been submitted and another co-accused has since been granted



bail, let the petitioners named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Bhojpur at Ara in connection with Chandi Police Station Case No.19 of 2016, subject to the condition that one of the bailors must be close relative of the petitioners and other bailor must have sufficient immovable property within a jurisdiction of concerned police station/court and the petitioners shall appear before the court below on each and every date and failure to appear before the court below on two consecutive dates in trial without assigning any rhyme or reason, will be liable for cancellation of their bail bonds.

(Nilu Agrawal, J)

Mahesh/-

U		T	
---	--	---	--

