

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28268 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -DIDARGANJ District- PATNA

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1. Birju Singh @ Brij Nandan Singh S/o Chanbit Singh
 2. Srikant Kumar S/o Birju Singh @ Brij Nandan Singh
 3. Chaudo Singh @ Chando Singh S/o Late Laddu Singh
 4. Sanjay Singh S/o Chaudo Singh
 5. Jaypal Singh S/o Bhochan Singh
 6. Mukesh Singh S/o Bhochan Singh
 7. Gopal Singh S/o Bhochan Singh All residents of Village - Nizam Pur, Police Station - Didarganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan
Mr. Jay Ram Prasad
For the Opposite Party/s : Mr. Sri Suresh Prasad Singh
For the Informant : Mr. Ajay Kumar.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-09-2016

At the outset, learned counsel for the petitioners submits that petitioner Nos. 1, 2, 5 and 7 namely, Birju Singh, @ Birj Nandan, Srikant Kumar, Jaypal Singh and Gopal Singh have already been taken into custody and therefore, he seeks permission to withdraw the application as against them.

Permission is accorded.

Accordingly, the application, as against the petitioner nos. 1, 2, 5 and 7, is dismissed, being infructuous.

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Learned counsel for the informant is also present.

The petitioners apprehend their arrest in connection with Didarganj P.S. Case No. 10 of 2016 for the offences registered under Sections 147, 148, 149, 323, 325, 307 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against the petitioners is general and omnibus in nature. The person, who is alleged to have given the blow on the head of Bideshi Singh (deceased), who is said to have died, is already under custody. So far as the present petitioners are concerned, there is no specific role assigned to them, save and except, they were armed with dangerous weapons. It is further submitted that petitioners have no criminal antecedents.

Learned counsel for the informant opposes this application stating that the petitioners had together attacked the deceased leading to his death. It is further submitted that now the case has been registered under Section 302 of the Indian Penal Code and, as such, the petitioners may not be extended the privilege of interim bail.

Having considered the facts and circumstances of the case and also the fact that the petitioners have no criminal antecedents, let the petitioner nos. 3, 4 and 6 namely, Chaudhary

Singh @ Chando Singh, Sanjay Singh and Mukesh Singh, 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna City, in connection with Didarganj P.S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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