

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26976 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -BIHIYA District- BHOJPUR

Nandan Singh, Son of Late Chandrika Singh, resident of Village- Bharsara Mangit, P.S.- Bihiya, District- Bhojpur at Ara (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.28254 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -BIHIYA District- BHOJPUR

Tej Narayan Singh @ Tej Narayan Yadav @ Krishna Bihari Singh, Son of Late Chandrika Singh, resident of Village- Bharsara Mangit, P.S.- Bihiya, District- Bhojpur at Ara (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.26976 of 2016)

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Shyam Bihari Singh, A.P.P.

(In Cr.Misc. No.28254 of 2016)

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-09-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 02.05.2016 and 07.05.2016 respectively in connection with Bihiya P.S. Case No. 121 of 2016 for the offences instituted under

Sections 147, 148, 149, 341, 323, 337, 302, 504 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that both the petitioners alongwith other co-accused persons surrounded one Ajit Kumar Singh, who is posted as A.C.J.M. at Jamui and his bodyguard while they were going to market and assaulted with Lathi, Danda and pieces of stone and bricks. On this occurrence, the informant alongwith some villagers rushed and when they in way, the accused persons surrounded them and started firing upon them. Bhola Yadav, Tej Narayan Yadav and his body guard were taken fire arms in their hands. Rest accused persons were armed with Lathi and Bhala. Co-accused Bhola Yadav shot to Anjani Kumar Singh from rifle to which he sustained injury on his head and he fell down and died.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 02.05.2016 and 07.05.2016 respectively. The case has been committed to the Court of Sessions. There is no allegation of tampering of the witnesses alleged against the petitioners. The main allegation is against Bhola Yadav for assaulting the deceased. No specific allegation has been made against the petitioners. General and omnibus allegation has been made against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 the learned C.J.M., Bhojpur at Ara in connection with Bihiya P.S. Case No. 121 of 2016.

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(Sudhir Singh, J)