

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27144 of 2016

Arising Out of PS.Case No. -31 Year- 2007 Thana -PAUTHU District- AURANGABAD

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1. Baijnath Singh
2. Anjani Singh Both s/o Lachan Deo Singh, R/o vill Itwan, P.S. Pauthu,
District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 21-09-2016 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 342, 302, 120B of the I.P.C. and Section 27 of the Arms Act.

The prosecution case, in short, is that on 17.9.2007 after finishing agricultural work the informant's brothers, namely, Yogendra Singh and Jai Govind Singh were returning to their village, the accused persons including the petitioners attacked on the informant's brothers and starting firing with gun and rifle. The informant and others tried to save but the accused persons also attached the informant and others, after which due to fear they entered in their house. The accused persons kept the informants and others confined in their house till late night. After which they



heard sound of 3-4 firings. Thereafter the informant and others came out of the house. On 18.9.2007 the informant and others made search and during search found the dead bodies of Yogendra Singh and Jai Govind Singh in the field of Sanjay Singh and Radheshyam Singh respectively having firearm and sharp cutting injury on their person.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 26.5.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioners. As per the F.I.R., general and omnibus allegation has been made. No specific injury has been attributed against the petitioners. The accused persons had caught hold of the deceaseds and subsequently in the late night sound of firing was heard by the informant and on the next day the dead bodies of the deceaseds are said to have been recovered. In course of investigation, chance witnesses have tried to shift the time of occurrence by stating that the firing was made before it had become dark. Admittedly there is a contradiction on the point of time of occurrence regarding the firing taking place between the F.I.R. and the witnesses examined in course of investigation.

On behalf of the State, it is submitted that the petitioners

are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, it is directed that 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 learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. case No.31 of 2007.

(Sudhir Singh, J)

Narendra/-

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