

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41929 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

1. Loha Singh Son of Late Bhushan Singh Resident of Village -
Ramchandrpur, P.S- Piparia, District - Lakhisarai..... Petitioner
Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-10-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Piparia P.S. Case
No. 58 of 2015 registered for the offences punishable under Sections
302, 201, 120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Allegedly, the petitioner and other FIR named accused persons
killed Bambam Singh and Gholtan Singh after making conspiracy and
plan. Co-accused Rabish Kumar and Prem Kumar called the son of the
informant and they taken away Bambam Singh, the son of the
informant, and after drinking together killed Bambam Singh and
Gholtan Singh and threw the dead body in Koelwa Diyara.

Submission is of false implication and that the informant is not
an eye witness, no one is the witness of actual killing and only on
suspicion the petitioner has been implicated as he had got criminal
antecedent. The Police has got recorded the confessional statement of

co-accused Kanahiya Singh which has got no evidentiary value in the eye of law and without any fault the petitioner is suffering in custody since 05.06.2016.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that there is a gang of the petitioner and others and after making conspiracy and plan they have killed Bambam Singh and Gholtan Singh.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Lakhisarai in connection with Piparia P.S. Case No. 58 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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