

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22912 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -MARKAHI District- KHAGARIA

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1. Krishna Singh S/o Shushil Singh
2. Kanhaiya Singh S/o Shushil Singh Resident of Village - Khairidih, P.S. -
Morkahi, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-08-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections
147/148/149/302/34 of the Indian Penal Code.

Diary in this case was called for earlier, which has, since
been received.

Learned counsel for the petitioners submits that though
there is allegation against the petitioners which is general and
omnibus in nature and actually the occurrence which took place on
the date is otherwise, as one of the signatories to the First
Information Report, has given a different version in the complaint
case filed on 05.12.2015 which is prior to the lodging of the
present First Information Report. There is delay of 16 days in
filing the First Information Report.

Learned counsel appearing on behalf of the State, however, submits that in the diary it has come that the petitioner was also one of those who had attacked the deceased leading to injuries and finally his death.

Having perused the materials available and that the statement made in the diary by the signatories to the First Information Report i.e., of Ramanand Choudhary, there appears to be a cloud on the prosecution story. Accordingly, let the petitioners abovenamed, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Chief Judicial Magistrate, Khagaria in connection with Morkahi P.S. Case No. 91/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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