

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41649 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -UPHARA District- AURANGABAD

- =====
1. Nishant @ Nishu
 2. Amit Singh @ Amit @ Avinash Singh Both Sons of late Surendra Singh
Both are Resident of Vilage- Saharsa, P.S. - Uphara, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey

For the Opposite Party/s : Mr. Sri Rajesh Kumar

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
18.06.2017 in connection with Uphara P.S. Case No. 26 of 2017
for offences punishable under Sections 147, 148, 149, 302, 341,
323, 324, 326, 307 and 506 of the Indian Penal Code and 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother were returning from the field seeing
pumping set, the petitioners along with 14 others variously armed
with country made pistol, Lathi, Chhura caught them and four



accused Anand Singh, Meghnath Singh, Bishundeo Singh and Manoj Singh gave Chhura blow on his brother Pappu Singh. While taking him to the hospital he succumbed to the injury. The accused persons also assaulted the informant by means of Lathi. The allegation upon the petitioner no. 1 is of catching hold of the informant along with other accused persons.

It has been submitted by the learned counsel for the petitioners that they are innocent and bear no criminal history. He submits that the present case is a counter blast to the case lodged by the petitioners' side bearing Uphara P.S. Case No. 27 of 2017. He submits that the petitioner was a member of the mob and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that the petitioners along with others belong to different village and purposefully they under criminal conspiracy and with common intention had come to kill the informant and his brother. He submits that the brother of the informant was killed by the accused named in the F.I.R. and petitioners were also armed with country made pistol.

Considering the facts and circumstances and the



materials on record, let petitioners, above named, 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 learned Additional Chief Judicial Magistrate, Aurangabad, District-Aurangabad in connection with Uphara P.S. Case No. 26 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

