

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13780 of 2017

Arising Out of PS.Case No. -287 Year- 2016 Thana -DARIYAPUR District- SARAN

- =====
1. Sulekha Singh, Son of Late Utim Singh, Resident of village-Dharamchak, P.S. Deriyapur, District-Saran at Chapra.
 2. Ashok Singh, Son of Late Utim Singh, Resident of village-Dharamchak, P.S. Dariyapur, District-Saran at Chapra.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 09-08-2017 Heard leaned counsel for the petitioners and the leaned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dariyapur P.S. Case No. 287 of 2016, registered under Sections 341, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of the Addl. Chief Judicial Magistrate-IV, Saran at Chapra.

The accusation is that while informant Umesh Singh was returning to his house after withdrawing money from Parsa Bank then, in the way, Birendra Singh and petitioner No.1 Sulekha Singh came behind him boarding on the motorcycle. At that time, Sulekha Singh put his hand at his mouth and Birendra Singh fired through pistol at his chest, when he tried to flee away



then Birendra Singh again fired at him. At that time, informant saw that three other persons, including the petitioner No.2 Ashok Singh, were also present at another motorcycle at the distance of 500 yards from the place of occurrence.

Learned counsel for the petitioner submits that petitioner No.2 Ashok Singh has falsely been implicated in this case being the brother of co-accused Birendra Singh. Moreover, no overt act has been attributed against him. So far as petitioner No.1 Sulekha Singh is concerned, it is alleged that he has only pressed the mouth of the informant at the time of occurrence.

Having regard to the facts and circumstances of the case, let the petitioner No. 2 Ashok Singh be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-IV, Saran at Chapra in connection with Dariyapur P.S. Case No. 287 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C

So far as petitioner No.1 Sulekha Singh is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant



anticipatory bail to petitioner No.1 Sulekha Singh. Accordingly,
his prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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