

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28838 of 2017

Arising Out of PS.Case No. -299 Year- 2015 Thana -FALKA District- KATIHAR

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1. Satish Singh Son of Basudeo Singh.
 2. Mukesh Singh Son of Mani Singh.
 3. Mani Singh @ Manea Singh, Son of Late Kunai Singh.
 4. Kundan Kumar @ Kundan Singh @ Kindan Singh, Son of Late Shibu Singh.
 5. Nandu Singh, Son of Faidari Singh.
 6. Binod Singh, Son of Pradeep Singh.
 7. Digambar Singh @ Digambar Prasad Singh, Son of Saryug Singh.
 8. Bablu Singh Son of Debal Singh.
 9. Bipin Singh Son of Dhuran Singh.
 10. Anil Singh, Son of Triveni Singh.

All resident of Village - Mahdatpur, P.S. - Parbatta, District - Bhagalpur.

11. Mohan Kumar Singh @ Manan Kumar Singh, Son of Bindeshwar Singh,
Resident of Village - Amani, P.S. - Mansi, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Falka P.S. Case
No. 299 of 2015 dated 17.12.2015 instituted under Sections
302/120B/34 of the Indian Penal Code.

3. The allegation against the petitioners and two others
is that they were involved in the killing of the mother of the
informant.



4. Learned counsel for the petitioners submitted that there is absolutely no motive to kill the mother of the informant and further that it cannot be accepted that the petitioners living in a different district would come and strangle the old mother of the informant. Learned counsel submitted that it has come during investigation, that nobody had seen any of the petitioners in the village or committing the crime and the postmortem report indicates death on account of asphyxia due to strangulation. It was submitted that 13 persons coming from another village in a different district, without being seen and only picking up the old mother of the informant and strangulating her, is a concocted story. Learned counsel submitted that false implication is clearly writ large from the fact that Parbatta P.S. Case No. 59 of 2015, under Sections 302/120B/34 of the Indian Penal Code had been lodged on 03.12.2015, in which almost all the petitioners are witness with regard to killing of the brother of the petitioner no. 1 by the informant's brother and nephews. It was further submitted that earlier also Naugachhia P.S. Case No. 205 of 2015 dated 03.12.2015 was also lodged against the petitioners in which final form has been submitted and accepted by the Court. Learned counsel submitted that Naugachhia P.S. Case No. 43 of 2017, has also been filed against them by the wife of one Anjay Singh, who is the nephew of



the informant, and accused in Parbatta P.S. Case No. 59 of 2015. It was submitted that only to put pressure on the petitioners, not to depose in Parbatta P.S. Case No. 59 of 2015, false implication has been made. Learned counsel drew the attention of the Court to order dated 15.05.2017 passed by a co-ordinate Bench in Cr. Misc. No. 12760 of 2017, by which the remaining two accused persons in the present case have been granted anticipatory bail.

5. Learned A.P.P., after going through the case diary, does not controvert the position that there are no eye witnesses and the allegation is based only on the ground that the petitioners had earlier threatened to kill the family members of the informant.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon 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, Katihar in Falka P.S. Case No. 299 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond



with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bond shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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