

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42802 of 2016

Arising Out of PS.Case No. -145 Year- 2015 Thana -SAHIYARA District- SITAMARHI

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Mahesh Singh @ Mahesiya, S/o Ram Ekbal Singh, resident of Ranjit Pur
Koeri, P.S.- Sitamarhi, Distt- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Virendra Kumar, Advocate.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 16-01-2017 Heard both sides.

The petitioner seeks bail in Sahiyara P.S. Case No.
145/15 registered under Sections 302, 120(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The informant Hardeo Sah alleged that three persons
came near the gate of brick-kiln and made indiscriminate firing.
The owner of the brick-kiln, after having been injured, fell down
on the ground and died.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. During the course of
investigation, some witnesses, in para 42 and onwards of the case
diary, said that Mahesh Singh @ Mahesiya (the petitioner), Shyam
Sundar Singh and Mithhu Sah were in an inebriated condition and
they were saying that they had killed the owner of the brick-kiln. It



is further submitted that save and except the so-called extra judicial confession of the petitioner and two others, there is no material to connect the petitioner in the murder of the owner of the brick-kiln. Similarly situated co-accused Shyam Sunder Singh has already been granted bail vide order passed in Cr. Misc. No. 34484 of 2016. Shyam Sunder Singh has got as many as 8 criminal cases pending against him whereas only 6 criminal cases are pending against the petitioner. The case of the petitioner stands on the same footing. Learned A.P.P. did not dispute these facts.

Considering the facts aforesaid and the fact that similarly situated co-accused Shyam Sunder Singh has already been enlarged on bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. II, Sitamarhi in Sahiyara P.S. Case No. 145 of 2015, corresponding to S. Tr. No. 322/16.

(Prabhat Kumar Jha, J)

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