

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45536 of 2017

Arising Out of PS.Case No. -530 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Banka Singh, S/o Late Tapa Singh, R/o Village- Phulwar, P.S.- Banjariya,
District- East Champaran.

..... Petitioner

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 302, 379, 427
of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 31.10.2016,
the informant was on his door in the meanwhile the accused
persons about 150-200 in number including the petitioner armed
with deadly weapons started harvesting his paddy crops.
Thereafter, the informant and his younger brother's wife went to
their field then all the accused persons armed with Nalkatua and
Gun came there and out of which this petitioner and Lal Babu



Singh ordered to shot then Pamu Singh open fire jupon his brother's wife Heeramati Devi, who sustained gun shot injury on her left chest as a result of which, she died. The informant saved his life and fled away. Thereafter all the accused persons started firing.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether 27 persons are named in the F.I.R. The main allegation is against co-accused, namely, Pammu Singh who is alleged to have fired upon the deceased. No injury has been attributed against the petitioner. Other co-accused persons have been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 22998/2017 dated 22.05.2017 and Cr. Misc. No. 35882 of 2017 dated 18.08.2017.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. East Champaran at Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 530 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

