

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44376 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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1. GUDDU SINGH, SON OF BINDA SINGH
 2. BINDA SINGH SON OF LATE AMBIKA SINGH
BOTH OF VILLAGE- RAJOKHAR, NAWADA, POLICE STATION-
GOPALGANJ, DISTRICT- GOPALGANJ.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 02-02-2017 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Informant who happens to be a merchant was telephonically threatened to face dire consequences as he failed to pay rangdari to a tune of rupees ten lacs on 19.01.2016. On 20.01.2016 at about 9.00 AM while his brother Harendra Singh was sitting at his shop four miscreants came over two motorcycle, inquired about Bhagelu (informant) and further, in order to terrorize fired in air. Apart from this, they also directed to pay rangdari as demanded since before.

Learned counsel for the petitioners has submitted that Investigating Officer in order to give a slip, got the petitioners and others falsely implicated and for that, took a novel method by way of introducing an informer from whom, came to know regarding involvement of these petitioners



including other and further, in the aforesaid background got the name of petitioners including others exposed through the mouth of informant as well as his brother who at an earlier occasion had not spoken the same. Further, it has also been submitted that had there been genuine effort at the end of the Investigating Officer, then in that event, petitioner should have been put on T.I. Parade. Charge sheet had already been submitted. In the aforesaid background, it has been submitted that petitioners be released on bail.

At the other end, the learned Additional Public Prosecutor opposed the prayer and submitted that in the facts and circumstances of the case, there was no need for putting the petitioners on T.I. Parade as their names cropped up from the mouth of prosecution party who, at an initial stage, was very much terrorized.

True it is that the informant's presence at an earlier occasion is found worthless but so far Harendra is concerned, he had named the petitioners Guddu Singh who at different occasion along with Rohit Singh @ Rajwa had approached. Subsequently thereof, the name of another petitioner has been exposed through other witnesses.

That being so, prayer of bail of Guddu Singh is rejected for the present. He may renew his prayer for bail after examination of Harendra Singh, if so advised. So far petitioner Binda Singh is concerned, he is directed to be released on bail



on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No.25/2016.

(Aditya Kumar Trivedi, J)

Prakash Narayan

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