

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49428 of 2016

Arising Out of PS.Case No. -689 Year- 2015 Thana -KATIHAR District- KATIHAR

=====

1. Shailendra Kumar Singh @ Shailendra Singh son of Rambilash Singh
resident of mohalla - New Jute Mill, Gosala, Police Station - Katihar
Sahayak, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.52852 of 2016

Arising Out of PS.Case No. -689 Year- 2015 Thana -KATIHAR District- KATIHAR

=====

1. Prakash Sahni @ Chhotu Sahni Son of Yogi Sahni@Yogendra Sahni
Resident of Mohalla- Rahman Colony, Hawai Adda, P.S. Katihar(S),
District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.49428 of 2016)

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

(In Cr.Misc. No.52852 of 2016)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-01-2017 The petitioner in Criminal Miscellaneous No. 49428 of 2016 is in custody since 20.12.2015 and petitioner in Criminal Miscellaneous No.52852 of 2016 is in custody since 03.08.2016 in connection with Katihar (Town) P.S. Case No. 689 of 2015, registered for offences punishable under Section 302/34 of the



Indian Penal Code and 27 of the Arms Act. As both the cases arise out of same police station case, hence they are taken up together and are being disposed of by a common order.

It has been submitted on behalf of the petitioner, namely, Shailendra Kumar Singh @ Shailendra Singh in Criminal Miscellaneous No. 49428 of 2016 that though there is allegation against him of firing on the deceased due to which the deceased died but the post mortem report suggests that no external object was found from the dead body of the deceased. It has further been submitted that at the time of alleged occurrence, there was no source of light, therefore, it is highly doubtful that how the witnesses identified the petitioner. It has also been submitted that his name has surfaced only on the basis of suspicion and he has been languishing in judicial custody since. 20.12.2015

So far as petitioner, namely, Prakash Sahni @ Chhotu Sahni in Criminal Miscellaneous No. 52852 of 2016, is concerned, it has been submitted that there is no allegation of firing against him and his name has been dragged in the present case only on the basis of suspicion for which he has been in judicial custody since 03.08.2016.

Learned A.P.P. for the State has opposed the prayer of bail of petitioner in Criminal Miscellaneous No. 49428 of 2016



and submitted that several witnesses have supported the case of prosecution and there is direct allegation against this petitioner, namely Shailendra Kumar Singh of firing on the deceased causing his death. However, learned A.P.P. could not point out any specific allegation against the petitioner, namely, Prakash Sahni @ Chhotu Sahni in Criminal Miscellaneous No. 52852 of 2016.

Having heard both sides, in view of the fact that there is direct allegation of firing against the petitioner, namely, Shailendra Kumar Singh @ Shailendra Singh in Criminal Miscellaneous No. 49428 of 2016 and also the petitioner has criminal antecedent as he is accused in as many as three other cases, I am not inclined to grant the petitioner, namely, Shailendra Kumar Singh @ Shailendra Singh in Criminal Miscellaneous No. 49428 of 2016, it is accordingly rejected.

So far as petitioner, namely, Prakash Sahni @ Chhotu Sahni in Criminal Miscellaneous No. 52852 of 2016, is concerned considering the facts and circumstances, the period of custody and also that there is no specific allegation attributed to him, let the petitioner, namely, Prakash Sahni @ Chhotu Sahni in Criminal Miscellaneous No. 52852 of 2016, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri



D.K. Rai, learned Judicial Magistrate-1st Class, Katihar, in connection with Katihar (Town) P.S. Case No. 689 of 2015 with the condition that he shall cooperate in the disposal of trial and make himself available as and when required by the court/police as the case may be, and on failure on his part to appear before the court/police on two consecutive dates, his bail bonds shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

