

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42517 of 2018

Arising Out of PS.Case No. -132 Year- 2017 Thana -JAMOBABAZAR District- SIWAN

- =====
1. Wkesh Singh @ Wkesh Kumar Singh S/o Kapil Singh @ Kapildeo Singh
 2. Bhol Singh son of Daroga Singh
 3. Tengwa @ Dharmendra Kumar son of Tarkeshwar Sah
 4. Rakesh Mahto son of Ramlal Mahto

All residents of village - Rampur, Police Station - Jamo Bazar, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 23.04.2018 in connection with Jamo Bazar P.S. Case No. 132 of 2017 for the offence registered under Sections 302/120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the



entire allegation is based on pure suspicion and nothing has come on record to show that these petitioners had, in fact, participated in the occurrence which led to the drowning of the son of the informant. It is further submitted that on the basis of such suspicion, the petitioners are being prosecuted and they are languishing in jail.

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that the inquest report shows that the boy has been attacked before being drowned. However, learned counsel for the petitioner submits that such inquest report stands falsified by the postmortem report, which has come in the case diary, as the body was in such a decomposed condition that such report were not evident and the doctor has opined as such.

It is further submitted that the allegation against the petitioners is purely based on suspicion which would be evident from the statement of one interested witness, who is the “Sambandhi” of the informant and admittedly, there is no eye witness to the occurrence, Furthermore, the story regarding use of the sim is also far-fetched and nothing has come on record in the case diary to indicate that in fact the petitioner no. 4, namely,



Rakesh Mahto had been using the sim of the informant.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.,- XIII, Siwan in connection with Jamo Bazar P.S. Case No. 132 of 2017, subject to the following conditions :-

(1) Father of each of the petitioners shall be bailor.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to



move for cancellation of bail.

(Anjana Mishra, J)

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