

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3446 of 2018

Arising Out of PS.Case No. -141 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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1. Vijay Singh @ Vijay Kumar Singh,
2. Sanjay Singh @ Sanjay Kumar Singh,
Both sons of Late Sitaram Singh, resident of Village- Kishanpur,
P.S.- Bathnaha, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate
For the State : Mr. Tarun Prasad Mandal, APP
For the Informant : Mr. Alok Kumar Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-02-2018 Heard learned counsel for the petitioners and the learned counsel appearing for the informant as well as the learned counsel appearing on behalf of the State.

The petitioners are in custody since 17.10.2017 on their surrender in connection with Bathnaha P.S. Case No.141 of 2017 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act, which is pending in the court of the learned Chief Judicial Magistrate, Sitamarhi.

Learned counsel for the petitioners submits that there are contradictory versions; one in the prosecution case and the other in the statement of the witnesses. The petitioners are said to have fired on one Pawan Prasad and one similarly situated



co-accused, who is said to have fired, has been directed to be considered for grant of regular bail after framing of charge.

Learned counsel appearing on behalf of the informant submits that there is a clear case of continuous firing on the person of the injured Pawan Prasad and such firing has been endorsed by the medical report, which indicates several gunshot injuries. It also appears that the father of the informant has also been done to death.

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

After considering all the facts and circumstances of the case and after perusal of the case diary, it appears that, in fact, there was a conspiracy involved and the petitioners, in fact, had participated, leading to the murder of the father of the informant and serious injury caused to the brother of the informant.

Under such circumstances, I am not inclined to grant regular bail to the petitioners, however, liberty is accorded to them to renew their prayer for bail after framing of the charges.

The application stands rejected.

(Anjana Mishra, J)

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