

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13764 of 2018

Arising Out of PS.Case No. -93 Year- 2016 Thana -SIKARHATA District- BHOJPUR

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Sanjay Singh, Son of Sri Yogendra Singh, Resident of Village-Sikraul,
Police Station-Sikarhata, District-Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 09-05-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner had earlier moved for bail along with
another co-accused in Cr. Misc. No. 26537 of 2017 which was
rejected vide order dated 25.07.2017.

Petitioner is languishing in judicial custody since
14.01.2017 in connection with Sessions Trial No. 249 of 2017
arising out of Sikarhata P.S. Case No. 93 of 2016 for offences
punishable under Sections 302, 120B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he along with his brother Rajesh Kumar Pandey @
Barku (deceased) and Shailesh Kumar Pandey, his cousin Dipak



Pandey had gone to the market and while his brother Rajesh Kumar Pandey @ Barku went to the barber shop, the petitioner along with three co-accused named in the F.I.R. and two unknown persons started indiscriminate firing upon the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He bears no criminal antecedent only three injuries of firearm has been found and it is not ascertained as to on whose firing the deceased succumbed. He submits that although date of firing is 24.12.2016 but, it has been sent to the Magistrate on 02.01.2017 which belies and makes the prosecution story unbelievable and in this regard he refers Section 157 of the Code of Criminal Procedure stating therein that the report had to be sent forthwith that is immediately before the Magistrate. As such, there is violation of Section 157 of the Code of Criminal Procedure.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that Section 157 Cr. P.C. does not postulate that immediately after the police takes investigation under Section 156 Cr. P.C. it should be sent to the Magistrate and it was a broad daylight murder of the informant's brother by the petitioner and other co-accused.



Considering the facts and circumstances and the materials on record as well as the report of the learned court below stating therein that uptil now one witness has been examined, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VIth Additional District and Sessions Judge, Bhojpur at Ara in connection with Sessions Trial No. 249 of 2017 arising out of Sikarhata P.S. Case No. 93 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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