

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4738 of 2019

Arising Out of PS. Case No.-658 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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1. Amrendra Kumar Kuswaha, S/o Sukhdev Prasad Mehta, Resident of Shanti Nagar Tatmatoli, P.S. K. Hat (Maranga), District- Purnea.
 2. Rakhi Devi, Wife of Amrendra Kumar Kuswaha, Resident of Shanti Nagar Tatmatoli, P.S. K. Hat (Maranga), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Ritambhara

For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 22.09.2018 in a case registered for the offences punishable under Sections 302, 224/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Section 120B IPC was also added.

The prosecution case as per the written report of Incharge Superintendent of Observation Home, Purnea submitted to the Station House Officer of K. Hat Police Station is to the effect that on 19.09.2018 at 5.26 P.M. the Superintendent of the Observation Home, Purnea informed the informant on phone that the Juveniles in conflict with law



Shubham Kushwaha, Brajesh Singh, Ritesh Eklauta Gupta @ Kallu Kala and Vikash Yadav have fired on employee of the Observation Home, Bijendra Kumar and other Juvenile in conflict with law Saroj Kumar, whereupon, the informant reached to the Observation Home when the injured were taken to the Sadar Hospital, Purnea and subsequently, both the injured died, leading to the registration of FIR against five persons. During investigation, son of the petitioners, namely, Shubham Kushwaha, who was a Juvenile in conflict with law gave his statement to the effect that he was provided mobile by the petitioners being his parents. The mobile phone was found registered in the name of petitioner no. 1, the father and the sim card was registered in the name of petitioner no.2, the mother of Shubham Kushwaha.

It is submitted by learned counsel for the petitioners that admittedly the petitioners were neither present at the place of occurrence nor have they committed any offence. However, the seizure of the mobile phone has been made from the son of the petitioners, Juvenile in conflict with law, Shubham Kushwaha. A statement has been made in paragraph 3 of the petitioner that the petitioners are not having any criminal antecedent.



Learned APP submits that the act of the petitioners facilitated the commission of the offence.

Considering the thrust of accusation against the juveniles in conflict with law, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 658 of 2018.

(Dinesh Kumar Singh, J)

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