

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7234 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- CHAUSA District- Madhepura

PANKAJ SINGH, aged about 35 years, (M) son of Bhothari Singh Resident of Village - Panchagachchiya Kadwa, P.S. Dholbajja (O.P. Kadwa), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14227 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- CHAUSA District- Madhepura

DHARMDEO SINGH, aged about 65 years, (M) Son of Late Basudeo Singh Resident of Village - Dharmapur Hat, Chanda, P.S.- Chausa, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7234 of 2019)

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 14227 of 2019)

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-03-2019 Heard learned counsel for the parties.

Petitioners, who are in custody, seek bail registered
for the offences punishable under Sections 302, 120(B) and 34
of the Indian Penal Code and under Section 27 of the Arms Act.

Informant has alleged that on 29.08.2018 at about



5:30 P.M. when he was returning to his house along with his brother Md. Nasrul (deceased) on two motorcycles petitioners along with other FIR named accused surrounded his brother and thereafter Bijendra Mehta and Manish Kumar caught hold of his brother and on order of Dharmdeo Singh (petitioner no.2), Sunil Singh, Sanjay Singh and Pawan Singh fired upon his brother as a result of which he died on the spot and thereafter they fled away.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to ill motive and high handedness of police. Allegation against petitioner is false and concocted. There is no specific allegation of firing against petitioners. Petitioner no.2 has got no criminal antecedent and is in custody since 31.08.2018. So far as petitioner no.1 is concerned, he is accused in one more case and is in custody since 13.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Chausa P.S. Case No. 227 of 2018**, with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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