

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29876 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- SIWAN CITY District- Siwan

Sandeep Kumar @ Sandeep Son of Baharan Gond Resident of Village-
Dakshin Tola, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Adv. Mr. Prashant Kumar, Adv.
For the Informant	:	Mr. Raghav Prasad, Adv.
For the State	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-08-2019 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with

Siwan Town P.S. Case No. 96 of 2019 registered for the

offences punishable under Sections 302 and 120-B of the Indian

Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR registered on 02.02.2019

at 2145 hours, it is alleged that six named accused persons

including the petitioner along with some unknown persons came

at the house of the informant and took away his grandson on the

pretext of attending a party. Subsequently, after about two hours,

he got an information that his grandson has been shot dead.

It is submitted by learned senior counsel for the



petitioner that there is no eye witness to the occurrence. Petitioner is in custody since 21.02.2019 and has no criminal antecedent. There is delay in lodging the FIR. It is further submitted that case of the petitioner stands on similar footing to that of the co-accused, namely, Kaum @ Star, who has already been enlarged on bail vide order dated 13.08.2019 passed in Cri. Misc. No. 36520 of 2019.

Learned counsel for the informant has submitted that there is direct and specific allegation against this petitioner, who along with other accused persons had taken away the grandson of the informant from his house and soon thereafter, he saw that his grandson was shot dead. It is stated by the informant that his other grand-son was out of station and thus, there was delay of one day in lodging the FIR and, further in course of investigation, statement of witnesses were recorded in paragraph nos. 185 and 187 of the case diary, who were practically eye witnesses to the occurrence.

The application for bail is also opposed by the learned APP for the State.

Having heard learned counsel for the parties and considering the fact that petitioner is in custody since 21.02.2019, has no criminal antecedent and that similarly



situated co-accused person has been enlarged on bail, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Siwan Town P.S. Case No. 96 of 2019.

(Partha Sarthy, J)

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