

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72896 of 2018

Arising Out of PS. Case No.-12 Year-2014 Thana- PHENHARA District- East Champaran

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Sudhir Singh @ Sudhir Kumar Singh, Son of Late Vishwanath Singh,
Resident of Village-Gobind Bara P.S. Phenhara District East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Adv.

For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.08.2018 in a case registered for the offence punishable
under Sections 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case got initiated on the basis of
written report submitted by Parmeshwar Prasad, Manager of
the brick kiln to the Station House Officer, Phenhara Police
Station is to the effect that on 07.03.2017, a labourer of the



brick kiln informed the informant that firing has been made in the office of the brick kiln, then the informant reached at the brick kiln and found the Chaukidar of the brick kiln namely Surendra Singh in pool of blood. Thereafter, the informant informed the police about such incident, and subsequently the dead body of the victim was taken to Sadar Hospital, Motihari. It is further alleged that the extortion demands were being made by certain persons through call made on the mobile phone of the informant's son. The caller were claiming themselves to be the member of extremist organization, namely Aazad Hind Fauz. During investigation, certain persons were arrested, who confessed their guilt and have named the petitioner as one of the associates in the occurrence.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled and the accused persons, on whose confessional statement, the petitioner's name sprang up, have been granted bail by a Co-ordinate Bench of this Court vide order dated 02.09.2015 passed in Criminal Miscellaneous No.19060 of 2015 and other analogous cases. It is further submitted that however, the petitioner is accused in eight other case, but he is on bail in all the cases. A statement to that effect has been



made in paragraph no.3 of the petition.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of co-accused persons and the petitioner has serious criminal antecedent. However, he submits that the phone call detail analysis report has not been brought on record which suggests that in fact, it was the petitioner, who demanded the extortion, claiming himself to be a member of the extremist organization.

Considering the fact that the accusation is based on the basis of confessional statement of co-accused, who have already been granted bail and the investigation has already been concluded, let the above named petitioner be released 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 ACJM-XII, Motihari, East Champaran, in connection with Phenara P.S. Case No. 12 of 2014.

Since the petitioner has serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner positively, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

It is expected from the Superintendent of Police, Motihari, East Champaran to get the I.O. of all the cases,



pending against the petitioner, consolidated and get the investigation concluded at the earliest.

(Dinesh Kumar Singh, J)

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