

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.83372 of 2019

Arising Out of PS. Case No.-312 Year-2019 Thana- BAKHTIARPUR District- Saharsa

1. CHHATRI SINGH, aged about 40 years, Male, Son of Janardan Singh, Resident of Village - Belbada Jila Tola, Ward No. 12, P.S. - Simri Bakhtiyarpur (Kanariya O.P.), District - Saharsa
2. Deena Singh @ Dinesh Singh, aged about 35 years, Male, Son of Late Jagdish Singh, Resident of Village - Belbada Jila Tola, Ward No. 12, P.S. - Simri Bakhtiyarpur (Kanariya O.P.), District - Saharsa

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Mishra, Adv.

For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek bail in connection with Bakhtiyarpur P.S. Case No. 312 of 2019, registered under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that in the late evening at about 08.00 p.m. on 08.08.2019, informant, Suresh Kumar Singh, along with his family members, was present in his house. At that time, six persons, named in the first information report, including both the petitioners, along with 4-5 unknown, having gun, came on five motorcycles and started to abuse. At that time, Ranbir Singh pointed the gun, then, all became fear and started to move inside the house. At that time, informant made query about mistake, then, he was abused. In the meantime, Amo Devi, mother of Ranbir Singh, came out of the house and



started to abuse. On the order of Amo Devi, Ranbir Singh fired through gun, which hit at the shoulder of his brother, Mukesh Singh, thereafter, all fled away from there. Mukesh Singh, brother of the informant, died on spot.

Submission is that while the petitioners are named in the first information report, but, no overt act has been attributed against the petitioners and simply said to be members of the mob. In fact, petitioners have falsely been implicated in this case due to dirty village politics and old enmity and they are in custody since 09.08.2019.

Having regard to the facts and circumstances of the case, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No. 312 of 2019 to the satisfaction of the Chief Judicial Magistrate, Saharsa.

(Rajendra Kumar Mishra, J)

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