

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38834 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- SONBERSHA RAJ District- Saharsa

Surajbhan Prasad Singh @ Barku Singh @ Suraj Bhana Prasad Singh S/O
Shri Deochandra Singh @ Dev Chandra Prasad Singh R/O Village- Soha, P.S.-
Sonbarsa Raj, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31942 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- SONBERSHA RAJ District- Saharsa

Sagar Singh Son of Shri Niraj Singh Resident of Village - Soha, P.S.-
Sonbarsa Raj, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38834 of 2023)

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 31942 of 2023)

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 08-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that the
bail application of the petitioners have earlier been rejected vide
order dated 14.11.2022 passed in Cr. Misc. No. 26559 of 2022.

3. Learned counsel for the petitioners submits that in

the bail order, the informant had opposed the bail that there are materials available in paragraph 23 of the case diary and upon request of the learned counsel for the petitioners, this Court has pleased to call for the case diary.

4. It is apparent from the case diary that there is no material against any of the petitioners but counsel for the informant submits that the material has actually come in paragraph 24 and 25 but those witnesses are interested witnesses, as they are relative.

5. Learned counsel for the petitioners further submits that the petitioners are in custody since 25.02.2022 and charge has already been framed in this case, therefore, bail may be granted.

6. Learned counsel for the State opposes the prayer for bail and submits that materials have come in paragraph 23 and other witnesses of the case diary also supported the statement of the witness. In paragraph 24 and 25, the witnesses has directly named to the present petitioners that they are involved in the commission of the said crime and the witnesses have seen in the light of the motorcycle identified.

7. Upon perusal of the case diary, it transpired to this Court that in paragraph 25, the statement has come, in which

witnesses have categorically stated that they have seen the present petitioners assaulting the deceased in the light of motorcycle. A Report has also called for and in the report, it has come that evidences are likely to be completed within 9 months.

8. In this background, this Court is not inclined to grant bail to the petitioners and, therefore, their bail application is hereby rejected.

(Dr. Anshuman, J.)

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