

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7006 of 2015

Arising Out of PS.Case No. -115 Year- 2014 Thana -SAHAR District- BHOJPUR

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Uma Kant Roy Son of Shivjee Roy, resident of village - Dulamchak, P.S.
Chauri, in the District of Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 10-04-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Sahar P.S. Case No.
115 of 2014 dated 18.03.2014 instituted under Sections 302/34
of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that
he is the relative of Munna Kumar, co-accused and nephew of
the deceased and only because of that he has been falsely
implicated by the informant who is the wife of the deceased. It is
submitted that as per the F.I.R. itself, there was dispute with
regard to the property between the brothers of the deceased and
in that connection, it is alleged that Munna Kumar and his
mother Dewanti Devi, who are the nephew and wife of the
brother of the deceased had come to the house of the deceased
and asked him to come to village Akbari for distribution of the
proceed from sale of tree and later on it is alleged that the
petitioner along with Munna Kumar, had taken the deceased and
killed him. Learned counsel submits that nobody has seen the

petitioner with the deceased and all the witnesses have only stated that they heard that the accused Munna Kumar, with the help of the petitioner had taken the deceased on motorcycle and shot him. Learned counsel further submits that the petitioner has clean antecedent and is in custody since 18.08.2014.

Learned A.P.P., upon going through the case diary, does not dispute the position that none of the witnesses had seen the petitioner at any point of time with the deceased.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhojpur, Ara in Sahar P.S. Case No. 115 of 2014. One of the bailors shall be the father of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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