

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29468 of 2015

Arising Out of P. S. Case No. -132 Year- 2014 Thana -DARBHANGA
SADAR District- DARBHANGA

Jai @ Jai Kumar @ Aswani Kumar Mishra @ Aswani son of Subodh Mishra resident of village / Mohalla- Subhankarpur, Police Station- Town and District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 11-08-2015 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of IPC and 27 of the Arms Act.

A suspicion has been made against petitioner Jai Kumar, Saif Alam @ Khursid Alam, Dilip Mahto, Kundan Sonar, and others that they had some difference with the deceased due to negotiation of sale of some land.

Admittedly, the informant is not an eye witness to the occurrence. According to him, Kaisar was accompanying the deceased at the time of incidence who had disclosed that a Bolero jeep was occupied by Dilip Mahto, Saif Alam @ Khursid Alam,

Kundan Sonar , Jai Kumar (petitioner) along with others they intercepted them and Noor Alam came out from the vehicle and at the instance of his brother Saif Alam, shot fire causing the death of the deceased. Noor Alam was put on Test Identification Parade but he was not identified by Kaiser.

It is submitted that in similar facts and circumstances Noor Alam and Dilip Kumar Mahto have been granted bail by this Court vide Cr. Misc. No. 28531 of 2014 (Annexure-3) and Cr. Misc. No. 48587 of 2015 (Annexure-2) respectively.

It is further submitted that the petitioner has been in custody since 16.4.2015 having no criminal antecedent.

Learned counsel for other side could not controvert the contention of the petitioner while opposing his prayer for bail.

Considering the facts and circumstances, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in Sadar P. S. Case No. 132 of 2014 with following conditions:-

1. The petitioner will not indulge himself in similar or any other offence.
2. One of the bailors must be the close relative of the

petitioner.

3. The petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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