

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29167 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Shrawan Ray @ Sawan Ray Son of Narayan Ray Resident of village -
Chaukiya, P.S. Kusheshwar Asthan, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Kusheshwar Ashtan P.S. Case No. 109 of 2014 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 3(ii)(v) of SC/ST Act.

Allegedly the petitioner and others have throttled to
death Sikandar Paswan, the son of the informant when he was
watching maize crops, one Kilometer away from the house, due to
previous enmity.

Submission if of false implication and that he is in
custody since 16.03.2015, chargesheet has already been submitted



and against the petitioner there is only one criminal antecedent, wherein, also he has been falsely implicated. No specific allegation has been attributed against the petitioner and, as such, he deserves sympathetic consideration as there is no eye witness of the occurrence and further no one has seen the petitioner in company of the deceased. It is also submitted that similarly situated co-accused Ram Chandra Rai and Om Prakash @ Om Prakash Rai have already been allowed bail by another co-ordinate Bench of this Court vide order dated 19.08.2015 passed in Criminal Misc. No. 23570 of 2015.

Learned A.P.P. is not in a position to distinguish the case of the petitioner.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Biraul at Benipur, Distt. Darbhanga arising out of Kusheshwar Asthan P.S. Case No. 109 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two

consecutive dates on his part without any reason shall disentitle
the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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