

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31945 of 2015

Arising Out of PS.Case No. -19 Year- 2014 Thana -GAYA GRP CASE District- GAYA

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1. Shyam Prasad Jaiswal @ Shayam Sundar Jaishwal Son of Late Dudh Nath Gupta Resident of Mohalla - Khilanganj, P.S. Sasaram (T), Distt. - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-11-2015 Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 302, 201 and 120 (B)/34 of the I.P.C

Allegedly, when father of the informant did not return from walk then he got suspicion and came to know that his dead body was lying on the railway track. The informant suspected that the petitioner and others who happened to be his uncle and cousin in collusion with others might have killed his father on account of previous enmity and litigation. The informant came to know that the petitioner and others were seen with his father.

Submission is of false implication only on suspicion. There is no witness to say that the petitioner was ever seen with the deceased. The dead body of the deceased was found on the

railway track and the enquiry report reflects that the deceased might have committed suicide and co accused Amit Jaiswal and Ghanshyam Jaiswal have been allowed bail vide Cr. Misc. No. 5721 of 2015 by order dated 04.08.2015 by another coordinate Bench of this Court.

The learned A.P.P. duly assisted by the learned counsel for the informant is not in a position to distinguish the case of the petitioner to those co-accused but submits that there is strong circumstantial evidence.

In the facts and circumstances as stated above, considering the case of the petitioner also identical to those co-accused, the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Gaya in Sasaram Rail P.S. Case No. 19 of 2014, subject to the conditions that one of the bailors must be a 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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