

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32644 of 2015

Arising Out of PS.Case No. -278 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Ranjit Singh Son of Hari Narayan Singh resident of Village- Nanhkar Simardah, Police station - Majorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

For the Informant : Mr. Devendra Kumar & Ranjit Kumar
Thakur, Advocates.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-11-2015 Supplementary affidavit has been filed on behalf of the petitioner which is kept on the record. It is mentioned therein that against the petitioner two more cases were also instituted wherein final form has been submitted.

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 and 120B/34 of the I.P.C, section 3 (2) (V) of SC/ST Act and section 27 of the Arms Act.

Allegedly, Kishori Ram, the younger brother of the informant was purchasing vegetable and in the meantime three motorcycle borne criminals came on black colour Pulsar



motorcycle and after opening indiscriminate firing killing his brother fled away. It is alleged that 4-5 days ago Kishori Ram has given names of seven persons who are causing threats to kill him. It is further alleged that the petitioner and others were also causing threats to get the Nankar Simardah case compromised and the deceased was trying to get the victims of that murder case justice.

Submission is that only on the basis of suspicion the petitioner is named. There is no cogent and reliable evidence against the petitioner. During investigation only it has come that the petitioner was told by three motorcycle borne criminals that the work has been done and thereafter the petitioner also fled away with them and there is no eye witness of the occurrence. In earlier paragraph suspicion has not been raised against the petitioner and as such the petitioner who is suffering in custody since 14.05.2015 deserves sympathetic consideration as in another case bearing Majorganj P.S. Case No. 79 of 2002 he is on bail.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that witness Madhurendar Ram has seen the petitioner moving and then the three motorcycle borne criminals who were also identified by that witness told him that work has been done and as such the petitioner's hand in the crime has been surfaced and charge sheet

has already been submitted against him.

In the facts and circumstances as stated above, considering that there is no direct or indirect evidence against the petitioner that he has committed murder rather only it has come that the three miscreants told him that work has been finished and for that the petitioner is suffering in custody and charge sheet has already been submitted and as such the petitioner is 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 C.J.M. Sitamarhi in Sitamarhi P.S. Case No. 278 of 2015, 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.

(Jitendra Mohan Sharma, J)

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