

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32796 of 2015

Arising Out of PS.Case No. -573 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

1. Monu Singh @ Monu @ Rakesh @ Rakesh Kumar Singh S/o Sri Bhagwan Singh Resident of Village Amrai Nawada, Police Station Bihiya, District Bhojpur at Arrah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Ataur Rahman(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-11-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Arrah (Nawada) P.S. Case No. 573 of 2014 registered for the offences punishable under Sections 363, 365 of the Indian Penal Code in which Sections 302, 201/34 of the Indian Penal Code were added later on.

Allegedly, Indrajeet Kumar the brother of the informant went outside of his house for personal work on 03.02.2014 at 3:00 pm but he did not return and for that Sanha was registered at concerned Police Station and said Indrajeet Kumar was having mobile bearing SIM of Uninor company bearing no. 9122074074

which is silent. It transpires that Indrajeet Kumar Singh has been seen along with 4-5 unknown near Bahoranpur village.

Submission is of false implication and that name of the petitioner has been taken by the witness on 02.02.2015 after long lapse of time that the petitioner and others were last seen with the deceased and besides that there is nothing against the petitioner and without any tangible material chargesheet has been submitted against the petitioner.

Learned APP opposes the prayer of bail and submits that the witnesses Kali Singh and Ramjee Tiwary have stated in para 88 and 89 of the case diary that they have seen the petitioner and others with the deceased.

In the facts and circumstances stated above, considering that name of the petitioner has come for the first time on 02.02.2015 whereas the occurrence is of 03.12.2014 and further there is no direct evidence and further considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Arah (Nawada) P.S. Case No. 573 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.

(Jitendra Mohan Sharma, J)

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