

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42081 of 2015

Arising Out of PS.Case No. -158 Year- 2014 Thana -NAUTAN District- SIWAN

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1. Bhuali Prasad Son of Dharash Vin Resident of Village-Piprahi, P.S.-
Uchakagawn, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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

3 02-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 158 of 2014 registered for the offences punishable
under Sections 302/201/34 of the Indian Penal Code.

The petitioner is not named in the F.I.R. and during
investigation the witnesses stated that Sibhagwan Ram, son of the
informant has gone with the petitioner to watch Orchestra on
12.12.2014 and thereafter his dead body was found lying in Pipra
Chawar on 15.12.2014.

Submission is of false implication and that besides
suspicion, there is nothing against the petitioner. From
postmortem report, it reveals that death might have been caused on

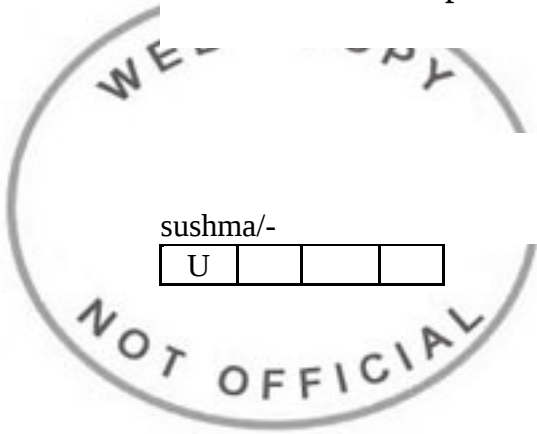


14.12.2014 and only material collected against the petitioner is that the son of the informant went with the petitioner on 12.12.2014 so it is also not a case of last seen. There is no direct evidence against the petitioner and he is suffering in custody since 31.03.2015, having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. after going through the case diary fairly submits that besides suspicion, there is nothing against the petitioner.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Judicial Magistrate 1st Class, Siwan arising out of Nautan P.S. Case No. 158 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)