

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49012 of 2015

Arising Out of PS.Case No. -715 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Ram Lagan Das Son of shibu Das resident of Village- Sharma tola
Bengha P.s & District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Dasrath Mehta (App)

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

3 11-12-2015 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, 120B and 279 of the I.P.C

Allegedly, co-accused Ganga Das the driver of the
tractor with an intention to kill the husband of the informant
dashed him resulting the husband of the informant raised alarm
and then the petitioner gave order to crush him and thereafter
Ganga Das crushed the husband of the informant causing his death
and fled away after leaving the tractor. The husband of the
informant was brought to Sadar Hospital, Saharsa where the
doctor declared him dead.

Submission is of false implication, no offence under

sections 302 and 120 B I.P.C. is made out, the husband of the informant was on morning walk and he met an accident by the tractor and the said tractor was being driven by Ganga Das. The only offence under section 304 A I.P.C. is made out against the petitioner and without any default he is suffering in custody since 24.04.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that earlier also the petitioner has committed murder and for that Saharsa Sadar P.S. Case No. 669 of 2014 is going on against the petitioner and as such he does not deserve bail.

In the facts and circumstances as stated above, considering that as alleged the petitioner is simply an order giver and he has not committed any overtact and charge sheet 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 furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saharsa in Saharsa Sadar P.S. Case No. 715 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)

Abhay/-

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