

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49263 of 2015

Arising Out of PS.Case No. -63 Year- 2014 Thana -ASHOK PAPER MILL District- DARBHANGA
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1. Sohan Singh @ Sohan Kaur @ Sohan Singh Kunwar Son of Jageshwar singh@ Jageshwar Kunwar Resident of Village-Bakharra police Station - Matihani district Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Ashok Paper Mill P.S. Case No. 63 of 2014 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly Rajeev Kumar Singh, the brother of the informant along with petitioner and co-accused were working in Jai Mata Di Construction Company and the petitioner used to commit theft of petrol and other articles of the company to which Rajeev Kumar Singh reported the matter to the contractor, causing annoyance to the petitioner and other co-accused and then they killed the deceased and threw the dead body in the river.



Submission is of false implication due to suspicion and that there is no eye witness of the occurrence. During investigation, no tangible material has come. The petitioner has been living at Punjab for his livelihood and he never worked for the aforesaid company. There is general and vague allegation against the three named accused persons and one co-accused Bhola Mishra has been allowed pre-arrest bail vide order dated 23.04.2015 passed in Criminal Misc. No. 48993 of 2014 by another co-ordinate Bench of this Court and, as such, the petitioner also deserves sympathetic consideration, who is suffering in custody since 20.04.2015 and 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 there is no eye witness but the petitioner and other co-accused alongwith the deceased have taken food together.

In the facts and circumstances stated above, considering that co-accused has been allowed pre-arrest bail, 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 1st Additional sessions Judge, Darbhanga arising out of Ashok Paper Mills P.S. Case No. 63 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.

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(Jitendra Mohan Sharma, J)