

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49698 of 2015

Arising Out of PS.Case No. -141 Year- 2014 Thana -BELSAND District- SITAMARHI

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1. Shambhu Jha Son of Devchandra Jha Resident of Village-Madhkaul,
P.S.-Belsand, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50933 of 2015

Arising Out of PS.Case No. -141 Year- 2014 Thana -BELSAND District- SITAMARHI

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1. Md. Shahid Son of Md. Akabar resident of village - Pandrahi, P.S.
Belsand, District - Sitamarhi

... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.49698 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

(In Cr.Misc. No.50933 of 2015)

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

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

ORAL ORDER

2 10-12-2015 Above noted both the applications have arisen out of one occurrence i.e. Belsand P.S. Case No. 141 of 2014 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act as such they have been heard together and are being disposed of by this common order.

Allegedly, the petitioners and other co-accused took away

Amod Sah @ Guddu for panchayati and near Jhauwa transformer all opened indiscriminate firing causing death of Amod Sah.

Submission is of false implication and that similarly situated other co-accused have been allowed bail by learned court below as well as by another co-ordinate Bench of this Court. Md. Akbar and Md. Saddam who are also named have been allowed bail vide Cr. Misc. No. 12844 of 2015 and 13522 of 2015 whereas Md. Kabir Alam has been allowed bail by the court below itself in B. P. No. 1147 of 2015 and the petitioners are suffering in custody since 10.07.2015 and 14.08.2015 respectively, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that other co-accused have been allowed bail and there is general and omnibus allegation.

In the facts and circumstances stated above, the petitioners above named of both the applications are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Belsand P.S. Case No. 141 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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