

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47502 of 2015

Arising Out of PS.Case No. -82 Year- 2014 Thana -BRAHMPURA District- MUZAFFARPUR

1. Mithu Ram, son of Shivjee Ram, Resident of Village- Nilkhant Chawak,
P.S.- Brahampura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 11-12-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under section 302/34 of the I.P.C and section 27 of the
Arms Act.

Allegedly, Md. Islam @ Akash Raj, the son of the
informant, was shot by 3-4 unknown miscreants near Lakshmi
chauk market, Mai Asthan in front of Bhola Betel shop and then
the informant went there and brought her son for treatment at
S.K.M.C.H. Muzafarpur where the doctor declared his son dead.
Four empty cartridges were also recovered at the place of
occurrence. During investigation on the basis of the information
furnished by the spy the name of the petitioner transpired and

thereafter the petitioner was remanded in this case and he confessed his guilt also.

Submission is of false implication and that there is no eye witness of the occurrence who can say regarding the involvement of the petitioner in the crime. The alleged confessional statement recorded by the police under pressure has got no evidentiary value in the eye of law. Without any cogent and legal material charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and the petitioner is suffering in custody since 08.04.2015.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioner, 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. Muzaffarpur in Brahampura P.S. Case No. 82 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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