

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47334 of 2015

Arising Out of PS.Case No. -236 Year- 2013 Thana -BHANGWANPUR HAT District- SIWAN

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1. Mankeshwar Prasad Son of Late Ramashish Prasad Resident of village -
Sakari Ke Tola, P.S. Bhagwanpur, District - Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party : Dr. M. K. Gautam, APP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL ORDER

4 30-10-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Mankeshwar Prasad, in connection with Bhagwanpur Police Station Case No. 236 of 2013, under Sections 304(B)/201/34 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Bijay Prakash Singh, learned Counsel for the petitioner, and Dr. M. K. Gautam, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that that two of the co-accused, namely, Nawal Kishore Prasad and Usha Devi, have already been granted bail this Court by order, dated 16.0-7.2015, passed in Cr. Misc. No.26190 of 2015, the accused above-named has been in custody since 05.06.2015 in



connection with the case aforementioned coupled with the fact that statement of the deceased, allegedly recorded while undergoing treatment, exonerates the present accused-petitioner, and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Siwan, in connection with Bhagwanpur Police Station Case No. 236 of 2013.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and

directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

Pawan/-

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