

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23845 of 2015

Arising Out of PS.Case No. -111 Year- 2014 Thana -BUDDHACOLONY District- PATNA

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1. Vijay Sao @ Maksudan Sao S/o Late Tetar Sao R/o village -
Machhriyawan, P.S. Fatwah, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Ajay Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Budha Colony
P.S. Case No. 111 of 2014 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

The informant was informed on mobile about the
murder of his son then he came running and saw his son Tinku
lying on pushcart outside the shop in the injured condition and
other boys stated that crime was committed by someone and at
that time though Tinku was alive but did not state the name of the
assailant. It was suspected that Vijay Sao @ Maksudan Sao
(petitioner) along with others has killed his son and that Vijay Sao
has also made an attempt to murder Gulab Thakur by Fasuli and

Gulab Thakur was taking the name of Vijay Sao who fled away towards Diyara.

Submission is of false implication and that no case under Section 307 IPC has been registered for allegedly making an attempt to kill Gulab Thakur. The petitioner has not been arrested on the spot, no incriminating article has been recovered from his possession, there is no legal or direct evidence, the petitioner being a law abiding citizen has voluntarily surrendered on 29.04.2014 and since then he is in custody. There is no chance of absconding or tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that Gulab Thakur has identified the petitioner that he made an attempt on the life of Gulab Thakur by Fasuli and thereafter, the petitioner fled away.

In the facts and circumstances stated above, it reveals that Gulab Thakur has also not seen the killing of the deceased and considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, 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 Additional Sessions Judge XI, Patna in S. Tr. No. 885 of 2014

arising out of Budha Colony P.S. Case No. 111 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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