

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48828 of 2015

Arising Out of PS.Case No. -142 Year- 2012 Thana -PIYAR District- MUZAFFARPUR

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1. Motilal Ram @ Surendra Ram Son of Late Ram Sevak Ram, resident of village - Locha,P.S. - Gaighat, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-12-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offence punishable under section 302/201 of the I.P.C

Allegedly, the petitioner and other co-accused took away the husband of the informant for eating and drinking and her husband was having cash of Rs. 5,000/- and two mobiles, but in the morning his dead body was found in the field of Lachhu Thakur and the petitioner and others were seen drinking at the toddy shop of Lalu Ram.

Submission is of false implication and that there is no direct evidence against the petitioner, only on suspicion he has been named resulting the petitioner is suffering in custody since

05.09.2014.

The learned A.P.P. submits that the petitioner is named in the FIR and further white colour gamchha of the petitioner was found tied in the neck of the deceased which has been seized as per the seizure list. The witnesses have stated that the gamchha belongs to the petitioner.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no direct evidence against the petitioner and as such the petitioner 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 3rd Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 48 of 2015 arising out of Piar P.S. Case No. 142 of 2012, 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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