

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32235 of 2015

Arising Out of PS.Case No. -61 Year- 2005 Thana -BANIAPUR District- SARAN

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1. Satendra Prasad Kushwaha S/o Late Guru Charan Prasad Resident of
Village Gajiapur, P.S. Ekma, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar

For the Opposite Party/s : Mr. Binod Kumar(App)

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

4 05-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Supplementary affidavit annexing the copy of
judgment dated 08.09.2010 passed in Sessions Trial no. 275 of
2006 by which two co-accused Mani Bhushan Singh and Vijay
Narayan Singh have been acquitted has been filed which has been
taken on record.

Petitioner seeks bail in connection with Baniyapur
P.S. Case No. 61 of 2005 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

When the informant Om Prakash Prasad was sitting in
his shop then the petitioner and other co-accused came with
motorcycle and on the order of co-accused Vijay Narayan Singh,

co-accused Mani Bhushan Singh and this petitioner took out their pistol and then the informant started fleeing away raising alarm and then the brother and others told that Mani Bhushan killed Birendra Rai salesman of the informant. The motive behind the occurrence is that there was some dispute for accounting of the licensee wine shop.

Submission is of false implication and that it was Mani Bhushan Singh who shot dead the deceased Birendra Rai, there is no allegation that the petitioner shot the deceased and in post mortem report also only one wound of entry and one wound of exit have been found and that Mani Bhushan Singh has already been acquitted and as such the petitioner who is suffering in custody since 15.05.2015 deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner has remained absconding resulting the trial of other co-accused was separated.

In the facts and circumstances stated above, considering that other co-accused have already been acquitted as such, the petitioner above named is directed to be released on bail **after framing of charge** 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 Chief Judicial Magistrate, Saran in

connection with Baniapur P.S. Case No. 61 of 2005, 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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