

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32488 of 2015

Arising Out of PS.Case No. -4 Year- 2007 Thana -PAUTHU District- AURANGABAD

1. Mahendra Ram @ Mahendra Das son of Nathun Ravidas, Resident of village- Kundwa, P.S.- Goh, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-12-2015 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 sections 302/34 and 120 (B) of the I.P.C and section 27 of the Arms Act.

The petitioner is not named in the FIR and during investigation the informant in his further statement raised suspicion against the co-accused Kajri Devi, the petitioner and others that they might have killed the father of the informant.

Submission is of false implication only on suspicion. The petitioner was not having any concern with the deceased, there was no enmity and only on suspicion he has been named. Four prosecution witnesses have been examined and nothing has come against the petitioner. Co-accused Kajri Devi has already

been allowed bail vide Cr. Misc. No. 2827 of 2013 by order dated 05.02.2013 and the petitioner is suffering in custody since 09.05.2014.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent also as he is involved in three more cases.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioner, trial is not likely to be concluded in near future as is evident from the report of the trial Judge 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 1st Additional Sessions Judge, Aurangabad in S. Tr. No. 211 of 2014/ 25 of 2014 arising out of Pauthu P.S. Case No. 04 of 2007, 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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