

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27703 of 2015

Arising Out of PS.Case No. -198 Year- 2014 Thana -DARIYAPUR District- SARAN

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1. Sheo Janam Kahar Son of Late Bhikhari PRasad, R/o Village - Sitalpur
Kothi, P.S. - Dariyapur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Ashok Kumar Singh-1(App)

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

3 15-10-2015 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 section 302 of the I.P.C

Allegedly, the dead body of Pushpa Devi was lying on
the bed inside the house and it is alleged that her husband Jitan
Sah is living at Jaipur. During investigation the name of the
petitioner has transpired that he used to visit at the house of
Pushpa Devi and there was some altercation and further sound of
firing was heard at 9 P.M. in the night. The mobile location of the
petitioner was also found at the time of occurrence near the place
of occurrence and the F.S.L. team has found blood stain near the
right ear of the petitioner when he was arrested.



Submission is of false implication and that there is no eye witness of the occurrence. The circumstantial evidence collected during investigation is also very weak in nature. Witnesses Kamla Devi and Saral Sah in paragraphs- 18 and 19 of the case diary have only stated that on the alleged date of occurrence some altercation has taken place between the deceased and the petitioner. The petitioner is also of the same village and as such his tower location will be near the same. No report has been received from the F.S.L and without any F.S.L. report charge sheet has already been submitted against the petitioner and he is suffering in custody since 04.09.2014 without any fault, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioner and charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 Sri Arvind Kumar, J.M. 1st Class, Saran at Chapra in Dariyapur P.S. Case No. 198 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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