

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48676 of 2015

Arising Out of PS.Case No. -232 Year- 2015 Thana -DANAPUR District- PATNA

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1. Vidhan Rai son of Bijendra Rai @ Bichuu Rai, resident of Gandhi Murti Saguna, P.S.- Danapur, Dist- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Md.Fahmuddin (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 302/34 of the I.P.C

The brother of the informant was shot dead by the unknown persons and the dead body was kept near kali temple and then the informant went there and saw the dead body with fire arm injury on the neck and cut mark in the lower side of chest and the police also found cartridge at the place of occurrence.

Submission is of false implication and that the petitioner is not named in the FIR, his name has transpired in the confessional statement of co-accused Rishikesh @ Rivi @ Ganpat and besides that there is no other material against the petitioner.

The learned A.P.P. opposes prayer for bail and submits that the name of the petitioner has come in the confessional statement of co-accused and further the witnesses have also stated the name of the petitioner regarding his involvement in the crime. Blood stain has been found near the house of the petitioner also as is stated by witness Md. Yasin, but fairly submits that that they are not the eye witnesses.

In the facts and circumstances as stated above, considering that 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 A.C.J.M. Danapur in Danapur P.S. Case No. 232 of 2015, 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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