

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49666 of 2014

Arising Out of PS.Case No. -97 Year- 2014 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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Binod Jaiswal son of Ngina Prasade Jaiswal @ Navin Prasad Resident of
Village - Madhubani Ghat P.S. – Motihari - Mufassil, District- East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. C. Sen Pd. Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 17-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 307
and other sections of the Indian Penal Code and Section 27 of the
Arms Act.

Neelam Devi, wife of the petitioner, alleged that on
the order of Chandeshwar Thakur, Ashok Prasad fired at her
husband. The petitioner along with Munna Miyan and Chulahi
Sahani are alleged to have conspired. Sri Ajay Kumar Thakur,
learned counsel for the petitioner, submits that the prayer for bail
of Chulahi Sahani was rejected vide order passed in Cr. Misc. No.
47567/2014. Munna Mian @ Jaffir Alam moved the Hon'ble
Supreme Court for grant of bail in Cr. Appeal No. 525/2015 and
he was granted bail vide order dated 30.03.2015. Thereafter,



Chulahi Sahani @ Baliram Sahani @ Chulhai Sahni was granted bail vide order dated 25.06.2015 passed in Cr. Misc. No. 22229/2015. The case of the petitioner stands exactly on the same footing as the petitioner was inside the jail and there is no material to show that the petitioner ever conspired to fire at the husband of the informant. It is further submitted that admittedly the petitioner was in jail on the date of occurrence in an excise case.

Sri Patanjali Rishi, learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail and submitted that the trial is at the fag end but they did not dispute the fact that the case of the petitioner stands on the same footing as that of Chulahi Sahani @ Baliram Sahani and Munna Mian.

Considering the facts aforesaid and the fact that similarly situated co-accused Chulahi Sahani @ Baliram Sahani and Munna Mian have already been enlarged on bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Addl. Sessions Judge, Motihari in Motihari Muffasil P.S. Case No. 97 of 2014, corresponding to S. Tr. No. 510/2014, subject to the condition that the petitioner shall appear on each and every date

during the course of trial and, if the petitioner fails to appear on two consecutive dates without any plausible explanation, the learned trial court shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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