

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49804 of 2014

Arising Out of PS.Case No. -94 Year- 2012 Thana -BATHNAHA District- SITAMARHI

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Mohan Baitha S/o Rajmangal Baitha Resident of Village - Bhourha, P.S. -
Righa, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Dr. Alok Kumar "Alok" and
Mr. Pramod Kumar Singh, Advocates.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 06-08-2015

Heard both sides.

The petitioner seeks his bail in a case under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the F.I.R. The informant alleged that while his son was going to hospital, three motorcycle borne criminals shot his son dead. The informant suspected that Shyambabu Singh, Sita Devi and Shyam Sundar Singh conspired and got his son killed. During the course of investigation, the name of the petitioner transpired and the petitioner is said to have confessed his guilt. Learned counsel for the petitioner submits that there is absolutely no evidence to show the involvement of the petitioner in the case. The petitioner is in jail only because he has got criminal antecedents.

Learned A.P.P., on the other hand, submits that the petitioner was hired to kill the son of the informant. It has come during the course of investigation that Shyambabu Singh had given his mobile to the petitioner for facilitating the crime after putting his own SIM card in the said mobile of Shyambabu Singh. Except the fact that the petitioner used the mobile of Shyambabu Singh on or before the date of occurrence, no other cogent material has been collected. The petitioner is in jail since 10.12.2012.

Considering the facts aforesaid, 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 1st Addl. Sessions Judge, Sitamarhi in Bathnaha P.S. Case No. 94 of 2012, corresponding to S. Tr. No. 183/13.

(Prabhat Kumar Jha, J)

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