

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25148 of 2015

Arising Out of PS.Case No. -12 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bhishm Kumar Yadav S/o Late Binda Rai, Resident of village- Wasahi
(Bisahi), P.S. Dariyapur, District- Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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

3 07-10-2015 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 sections 341, 323, 324, 307, 302 and 34 of the
I.P.C and section 27 of the Arms Act.

Allegedly, a truck container was stopped near
Hindustan Line Hotel of the informant and four persons came and
took meal and thereafter for paying the price they called near the
container and then the brother of the informant Sakil went there
and was shot and further one person shot the informant also
causing injury to him and also opened fire on his younger brother
and later on Sakil died. The number of container was also given by

the informant as NIO1G-6644. During investigation the petitioner was caught with the said container and he confessed his guilt also.

Submission is of false implication and that besides confessional statement there is nothing against the petitioner, he has not been put on T.I. parade though the informant has claimed to identify the culprits, the petitioner is a poor driver and he has got no connection with the crime. He has been arrested after two days and as such presence of the petitioner on the date of occurrence is not reliable and moreover charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that no T.I. parade has been conducted and from possession of the petitioner no weapon or fire arm has been recovered 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 C.J.M. East Champaran, Motihari in Ramgadhwa P.S. Case No. 12 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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