

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13067 of 2015

Arising Out of PS.Case No. -152 Year- 2012 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandan Ram son of Bharat Ram Resident of Village-Raghunathpur,
P.O. and P.S.- Turkaulia, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Anil Kumar(App)

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

ORAL ORDER

4 02-12-2015

Learned counsel for the petitioner is permitted to
make correction in paragraph-1 of the petition.

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 302/34 of the I.P.C and section 27 of the
Arms Act.

Allegedly, four motorcycle borne miscreants on
two motorcycle came, out of whom Ashok Kumar and
Suresh Prasad were identified and two others were
claimed to be identified by seeing them and at that time
Laxmi Narayan Mahto, father of the informant, was going
to the chowk for tea, then Ashok Kumar fired with bullet

which hit his father and he fell down and when the informant run there the miscreants fled away and his father succumbed to the injury. During investigation the name of the petitioner transpired in the confessional statement of Rajan Sahni @ Mukesh Sahni and the petitioner also confessed his guilt.

Submission is of false implication and that the petitioner is not named in the FIR, without legal material he has been remanded in this case and the police has got recorded the confessional statement forcibly. He has not been put on test identification parade and as per written report Ashok Kumar is the assailant and the petitioner is in custody since 12.08.2014. 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 by submitting that the petitioner has also confessed his guilt and he has got criminal antecedent as he is involved in 19 more cases.

In the facts and circumstances as stated above, considering that the petitioner is not named in the FIR, he has not been put on test identification parade and as per the written report co-accused Ashok Kumar is the assailant 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. Motihari, East Champaran in Motihari Town P.S. Case No. 152 of 2012, 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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