

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1450 of 2016

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1. Dhanai Pandit Son of Late Lagan Pandit, Resident of village- Maarar,
P.S. Belsand, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 22-04-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302 and 120 B/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, Bharat Mahto, the husband of the informant, was called by the petitioner and he went with him and thereafter his dead body was found near the house of Feku Sah and it is alleged that the petitioner in collusion and conspiracy with other co-accused due to previous enmity and to take revenge killed the husband of the informant.

Submission is of false implication, there is no eye witness of the occurrence, besides suspicion there is nothing against the petitioner, during investigation no other material has come and the petitioner is suffering in custody since 06.08.2015

having no criminal antecedent, other co-accused, namely, Rakesh Pandey, Mukesh Pandey and Jairam Pandey have been allowed bail and further Kundan Pandey and Kamlesh Pandey have also been allowed bail and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. submits that it was the petitioner who called the deceased and the deceased went with him.

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 also 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. Sitamarhi in Belsand P.S. Case No. 53 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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