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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5306 of 2016

Arising Out of PS.Case No. -242 Year- 2014 Thana -PHULPARAS District- MADHUBANI

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1. Goutam Yadav @ Gauri Shankar Yadav @ Gauri Shankar Gautam son of Raj Kumar Yadav, Resident of village- Siswa Barahi, P.S.- Phulparas, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No 13
For the Opposite Party/s : Mr. Md. Ansural Haque (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

6 27-04-2016 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) of the I.P.C and section 27 of the Arms Act.

Allegedly, Biltu Mahto, the father of the informant, being an employee of Hanuman Bax Gauri Shankar Firm after collecting the dues from the various Bastralaya was coming but he was attacked by some miscreants and the miscreants shot him dead and then the proprietor of the said firm was intimated but he did not take any notice resulting it is suspected that Giridhari Saraf, the proprietor of the firm, might have hands in the

occurrence. From possession of the deceased some Indian currency and some Nepali currency were recovered. During investigation the name of the petitioner transpires in the confessional statement of co-accused Vijay Marashal and further three witnesses have seen this petitioner and co-accused Vijay Marashal and Munna Kumar Yadav on the motorcycle near the place of occurrence.

Submission is of false implication and that there is no legal and tangible material against the petitioner, the alleged confessional statement of co-accused Vijay Marashal has got no evidentiary value in the eye of law, nothing has been recovered from conscious possession of the petitioner and only on the basis that the petitioner has got criminal antecedent his prayer for bail has been rejected and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that there is no eye witness of the occurrence, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 A.C.J.M. Jhanjharpur, District- Madhubani in

Phulparas P.S. Case No. 242 of 2014/ G.R. No. 1331 of 2014, 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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