

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8933 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -BAUNSI District- BANKA

=====

1. DEWASH @ SUREJ PASWAN @ SURAJ PASWAN Son of Baldeo Paswan, resident of Village- Kazi Kairi, Police Station- Bounsi, District- Banka. Permanent resident of Village/Mohalla- Mesan Chouk, Police Station+District- Godda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-05-2016 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 offence punishable under section 302/34 of the I.P.C

Allegedly, Md. Sami Alam, the son-in-law of the informant, has admitted before the informant and other witnesses that he has killed his wife Bibi Rabino Khatoon with the help of the petitioner and others.

Submission is of false implication and that there is no eye witness of the occurrence, the name of the petitioner has come in the alleged confessional statement of husband of the deceased, the petitioner has got no concern with Md. Sami Alam, he has been dragged in this case due to the dirty village politics and as

such the petitioner who is suffering in custody since 01.11.2015 deserves sympathetic consideration as the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that Md. Sami Alam has confessed before the informant and other witnesses wherein he has taken the name of the petitioner also and further four incised wounds were found on the body of the deceased.

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, 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. Banka in Bounsi P.S. Case No. 128 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)

Abhay/-

U		T	
---	--	---	--