

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10133 of 2016

Arising Out of PS.Case No. -219 Year- 2015 Thana -LAXMIPUR District- JAMUI

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1. Shambhu Mandal son of Late Ramdhani Mandal, Resident of village-
Gaura, P.S. Laxmipur, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad

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

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

ORAL ORDER

3 12-04-2016

Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Laxmipur P.S. Case No. 219 of 2015 registered for the offences
punishable under Sections 302, 120-B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, Sarju Shah, the father of the informant,
was shot dead near the door of Sanjay Shah and accordingly, it
is alleged that co-accused Sanjay Shah, Chandan Kumar,
Santosh Kumar and Daram Raj Shah from earlier were causing
threats and the petitioner and Mirtunjay Singh were instigating
them and then they have killed the father of the informant.

Submission is of false implication and that besides
suspicion, there is nothing against the petitioner, during
investigation, witnesses vide paras 43 and 44 of the case diary

only have stated that the petitioner and co-accused Mirtunjay Singh were abetting and assisting other co-accused to commit the murder of the deceased and besides that, there is no other legal and tangible material, and as such, the petitioner who is suffering in custody since 02.12.2015, deserves sympathetic consideration. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 219 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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