

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15083 of 2016

Arising Out of PS.Case No. -512 Year- 2015 Thana -BUXAR District- BUXAR

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1. Sujeet Kumar @ Sujeet Kumar Srivastava @ Sujeet Srivastva Son of Rameshwar Prasad @ Rameshwar Pd. Srivastva, resident of Village-Sohanipatti, P.S.- Buxar (Town), District- Buxar..... .. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Sunil Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-05-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Buxar Town P.S. Case No. 512 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 326, 307, 120B, 504 of the Indian Penal Code in which Section 302 IPC was added subsequently.

Allegedly, the petitioner and co-accused Prakash instigated to kill Prem Prakash Sinha the husband of the informant and thereafter, Suni shot him resulting he fell down and started twisting. They also tried to kill the son of the informant but he fled away. During treatment the husband of the informant died. It is alleged that as the husband of the informant was not ready to withdraw the case, he was shot.



Submission is of false implication and that the petitioner, as per first information report, is not the assailant, he is suffering in custody since 28.11.2015, during investigation independent witness vide paragraph 8 and 9 have stated that one Advocate came running and stating that he will kill him, in the meantime one person shot him and as such the only one accused was involved in the crime but due to previous enmity the petitioner and others have been implicated also. During post mortem also only one injury has been found and cause of death is due to Septicemia.

Learned APP submits that during investigation other witnesses have supported the prosecution version and further in the statement recorded under Section 164 Cr.P.C. the witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering that the petitioner is not the assailant, 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 Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 512 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.

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(Jitendra Mohan Sharma, J)