

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16651 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -MUFFASIL District- AURANGABAD

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1. ASHOK RAM @ ASHOKE RAM S/o Sri Godhan Ram

2. Pintu Ram S/o Sri Godhan Ram

Both are resident of Village- Kariyawa, PS Aurangabad (Mufassil) District Aurangabad

..... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 28-06-2016 Heard learned Sr. Counsel for the petitioners and learned counsel representing the State.

Allegedly, petitioner no. 1 Ashok Ram shot the wife of the informant causing her death and petitioner no. 2 Pintu Ram opened fire which hit the arm of the informant.

Submission is of false implication and that the petitioners have been implicated due to previous enmity, during investigation no injury has been found to the informant and from further statement of the informant and from statement of Sunita Devi vide para 9 of the case diary it reveals that the informant did not receive any injury and as such the prosecution story appears not probable and reliable and as such the petitioners deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner no. 1 Ashok Ram @ Ashoke Ram, this Court is not inclined to enlarge him on bail, accordingly, his such prayer stands rejected.

So far as petitioner Pintu Ram is concerned, considering that no injury has been caused to the informant and as such petitioner no. 2 Pintu Ram 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, Aurangabad in connection with Aurangabad 9Muffasil) P.S. Case No. 170 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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