

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21085 of 2016

Arising Out of PS.Case No. -275 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Vidya Mukhiya @ Vidyanand Mukhiya Son of Fudan Mukhiya @ Ramu Mukhiya, resident of village + P.O. - Bela, P.S. + District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-05-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Supaul P.S. Case No. 275 of 2015 (G.R. No. 1037 of 2015) registered for the offence punishable under Sections 302 and 328/34 of the Indian Penal Code.

Allegedly, Sarvesh Mukhiya, the nephew of the informant, was married to co-accused Runa Devi four years ago and after marriage Sarvesh Mukhiya was living in his in-laws house and out of the wedlock there is a son also but Survesh Mukhiya was poisoned to death by his wife and other in-laws including the petitioner.

Submission is of false implication and that Sarvesh Mukhiya was very much fed-up with the behavior of his uncle and

it reveals that in the night he committed suicide, other co-accused Singheshwar Mukhiya, Soniya Devi and Runa Devi have already been allowed bail and, as such, the petitioner also deserves sympathetic consideration to which the learned APP does not oppose.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner is also 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 C.J.M., Supaul in connection with Supaul P.S. Case No. 275 of 2015 (G.R. No. 1037 of 2015) subject to the conditions that one of the bailors must be 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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