

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22493 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -SIKANDARA District- JAMUI

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1. Bano Mistry Son of Late Akal Mistry
2. Chandan Mistry son of Bano Mistry
Both resident of Village- Kurhadih, P.S.- Sikandra, District-
Jamui..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Poddar
For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-07-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Sikandra P.S. Case
No. 146 of 2015 registered for the offences punishable under Sections
302, 380/34 of the Indian Penal Code.

The petitioners along with five others are named in the first
information report who have killed the mother of the informant to grab
the share of the land.

Submission is of false implication and that neither the
informant nor any one is an eye witness of the occurrence, no one has
seen the petitioners at the time of occurrence in the house or fleeing
away from the house of the informant after the occurrence, nothing has
been recovered from possession of the petitioners, without any material
the petitioners are suffering in custody since 20.02.2016.

Learned APP duly assisted by learned counsel for the informant

opposes the prayer of bail by submitting that besides the informant other witnesses have also suspected the hands of the petitioners along with others in committing the crime, the petitioners have got criminal antecedent also as they are involved in four more cases of heinous nature.

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, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 2, Jamui in connection with Sikandra P.S. Case No. 146 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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