

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44897 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -ROSHANGAANJ District- GAYA

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1. Nand Kishore Sharma S/O Late Dev Raj Kumar Sharma The resident of
vill- Kulfat, P.S Rausanganj, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Jitendra Kumar Singh-I(App)

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

ORAL ORDER

3 05-01-2016 Heard learned counsel for the petitioner, learned counsel for
the informant and learned counsel for the State.

The petitioner seeks bail in connection with Raushanganj
(Sherghati) P.S. Case No. 47 of 2015 for the offences punishable
under Sections 302, 201, 120-A/34 of the Indian Penal Code.

Allegedly, the petitioner killed his wife with aid and
assistance of other co-accused in order to take revenge from her as
she has lodged case against the petitioner and was harassing the
petitioner and others.

Submission is of false implication and that only on the basis
of manipulated story, the petitioner and his family members have
been implicated. It appears not probable and reasonable that the
petitioner will kill his wife after such a lapse of time, the case filed

by the wife of the petitioner was compromised. There was no occasion to commit the murder and further the daughter of the deceased has also been made accused in this case. There is no eye-witness and no one has seen the occurrence and only on suspicion the petitioner and others have been made accused, the Police after adopting third degree method have got recorded confessional statement which has got no evidentiary value in the eye of law and as such he deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that on the basis of confessional statement, pieces of bones and ashes were recovered and witnesses have also stated the name of the petitioner regarding his involvement in crime.

In the facts and circumstance stated above, considering that there is no direct evidence against the petitioner and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, some of co-accused, namely, Kamla Devi and Sunita Devi have been allowed pre-arrest bail by another co-ordinate Bench of this Court 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 learned Sub-Divisional Judicial

Magistrate, Sherghati, Gaya in connection with Raushanganj (Sherghati) P.S. Case No. 47 of 2015, subject to the conditions that one 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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