

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50262 of 2015

Arising Out of PS.Case No. -9 Year- 2009 Thana -ROSERA District- SAMASTIPUR

1. Sikandar Roy son of Late Muni Lal Roy
2. Ram Kalesh Roy son of Bouku Roy, Both are residents of Village-
Bishunpur, P.S.- Khanpur, Distt- Samastipur. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashankar Singh

For the Opposite Party/s : Mr. A.A.Khan (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-01-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Rosera P.S.
Case No. 09 of 2009 registered for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code.

Allegedly the petitioners and other F.I.R. named
accused persons were pressurizing to get the case compromise
otherwise to kill Sikandar Roy and for that, Sikandar Roy had
filed informatory petition also and ultimately the petitioners and
others after hatching a conspiracy, killed Sikandar Roy.

Submission is of false implication due to suspicion,
there is no direct evidence, no one has seen the petitioners in the
company of the deceased and in this case, similarly situated co-
accused Nathuni Rai and Bouku Rai have been allowed bail vide
Criminal Misc. No. 48144 of 2014 and 49434 of 2014 by another

co-ordinate Bench of this court vide annexure-2 and the petitioners having no criminal antecedent, are suffering in custody since 29.07.2015.

The learned A.P.P. is not in a position to distinguish the case of the petitioners from those co-accused.

In the facts and circumstances stated above, the petitioners, **Sikandar Roy and Ram Kalesh Roy** are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M., Rosera arising out of Rosera P.S. Case No. 09 of 2009 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 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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