

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46582 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -SHEOHAR District- SHEOHAR

1. Sonelal Sah S/o Indal Sah, Resident of Village Khairwa Darp, P.s. + District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II

For the Opposite Party/s : Mr. M. RAB(App)

For the informant : Mr. Sita Ram Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Sheohar P.S. Case No. 91 of 2015 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner called Vikky Kumar, the son of the informant from his house on the plea that Brajesh Singh and Kaushal Kishore Tiwari are waiting him for break fast in the shop and then Vikky Kumar went with petitioner in the shop where Brajesh Singh and Kaushal Kishore Tiwari shot Vikky Kumar and the petitioner and Dodai Sah were instigating and there were 2-3

un-known miscreants also. The son of the informant succumbed to the injuries at Sadar Hospital, Sheohar.

Submission is of false implication and that against the petitioner there is no allegation for opening fire, as per direction of co-accused, the petitioner called the deceased from his house who went at his own will but due to some grudge, the petitioner has been implicated, the petitioner was apprehended on the same date and he is suffering in custody since 21.04.2015, having no criminal antecedent.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that it was the petitioner who came and called the son of the informant and thereafter, the son of the informant was killed at the shop of the petitioner.

In the facts and circumstances stated above, considering that the petitioner is not the assailant and, as such, the petitioner, above named, 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 C.J.M., Sheohar arising out of Sheohar P.S. Case No. 91 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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