

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52412 of 2015

Arising Out of PS.Case No. -101 Year- 2014 Thana -SIMRI BAKHTIARPUR District- SAHARSA

1. Muso Yadav Son of Manik Yadav resident of village - Allouli, Police Station Allouli, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 101 of 2014 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST (Prevention of Atrocities) Act.

Allegedly, Sulo Sada @ Shushil Sada, the son of the informant, was killed in the way when he was going from Sonbarsa Musahari to Talwara by Krishna Yadav and his sons including the petitioner due to previous dispute.

Submission is of false implication and that the informant is not an eye witness, he got information from his daughter-in-law

Krishna Devi and that Krishna Devi is also not an eye witness, during investigation no one has stated that he saw the petitioner committing the crime, allegation is omnibus and general in nature, only one firearm injury has been found on the person of the deceased and as such the petitioner who is suffering in custody since 13.03.2015 deserves sympathetic consideration to which learned Special P.P. opposes.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, 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 Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 101 of 2014, 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 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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