

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55551 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -BANSHI District- JEHANABAD

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Devendra Sharma Son of late Ranganath Sharma Resident of Village- Moglapur, P.s Bansi, District Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Banshi P.S. Case No. 21 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, the wife of the informant was killed and her dead body in naked condition was found. It is claimed that the petitioner and other co-accused have killed her.

Submission is of false implication and that though the petitioner is named in the F.I.R. but only the suspicion has been raised, during investigation witnesses have claimed to have seen the petitioner and other talking with the deceased prior to the alleged occurrence but the statement of those witnesses was

recorded on 25.04.2015 i.e. after 14 days of institution of the present case. Though witnesses claimed that they disclosed the aforesaid facts before the villagers just after the alleged occurrence but the informant did not mention the aforesaid fact specially when the deceased was found missing since 10.04.2015 whereas informant gave written report on 11.04.2015. It is also submitted that in this case similarly situated co-accused Mahendra Sharma has been allowed bail by order dated 09.11.2015 vide Criminal Misc. No.42440 of 2015 and as such the petitioner also deserves sympathetic consideration as he is suffering in custody since 31.07.2015.

Learned A.P.P. fairly submits that Mahendra Sharma has been allowed bail.

In the facts and circumstances stated above, 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 the Sri B.M. Tripathi, Judicial Magistrate, 1st Class, Jehanabad in connection with Bansi P.S. Case No. 21 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)

siddharth/-

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