

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58428 of 2015

Arising Out of PS.Case No. -790 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Dipak Kumar Son of Hari Prasad R/o Mohalla Court Bazar, Ward No. 15, P.S. and District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, one unknown man came and called the father of the informant and thereafter the father of the informant returned to the house but after receiving phone call he went away and thereafter he was shot and the mohalla people brought him at the hospital and it is alleged that the three unknown miscreants have shot him. During investigation it transpires that the petitioner has called the father of the informant and accordingly he was put on the test identification parade and on the test identification

parade he was identified and further other co-accused confessed his guilt also.

Submission is of false implication and that only at best it can be said that earlier the petitioner went to call the father of the informant and talked with him but the occurrence has taken place much thereafter and as such involvement of the petitioner in the crime is not reliable, besides the confessional statement and that the petitioner earlier called and talked with the father of the informant there is no other material against the petitioner. In this case other co-accused, namely, Lokesh Kumar Singh @ Lokesh Singh has already been allowed bail by another coordinate Bench of this Court vide Cr. Misc. No. 2720 of 2016 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Sitamarhi P.S. Case No. 790 of 2015, 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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