

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19210 of 2016

Arising Out of PS.Case No. -17 Year- 2012 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Hari Narayan Kaji S/o Late Sri Ram Kaji
 2. Om Prakash Mahto @ Bishwa S/o Late Raushan Bishwa, Both are Resident of village- Daruabari, P.S.- Valmiki Nagar, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-I(App)

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 29-06-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Hari Narayan Kaji and Om Prakash Mahto, in connection with Valmiki Nagar Police Station Case No. 17 of 2012, under Sections 307/302/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application and materials on record.

Heard Mr. Abhitabh Kumar, learned Counsel for the petitioners, and Mr. Aditya Narayan Singh-I, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the evidence given by PW 5 to the effect that petitioners herein were not involved in killing of her husband, namely, Jitendra Mahto, and the accused above-named have been in custody since the month of July, 2015, in connection with the case

aforementioned and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioners in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' liberty on bail would adversely affect their trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties each, each of the like amount, subject to the satisfaction of the learned 2nd Additional Sessions Judge, Bagaha, West Champaran, in connection with Valmiki Nagar Police Station Case No. 17 of 2012 corresponding to Sessions Trial No.611(A) of 2012.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ.)

Mkr./-

U		T	
---	--	---	--