

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31475 of 2016

Arising Out of PS.Case No. -494 Year- 2015 Thana -SONEPUR District- SARAN

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Shambhu Das, son of Shanichar Das, resident of Village- Bara Mahuara,
P.S. Lalganj, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kr Singh No.1

For the Opposite Party : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sonapur P.S
Case No. 494 of 2015 (S.Tr. No. 346 of 2016) registered for the
offences punishable under Sections 302/201/34 of the Indian Penal
Code.

Allegedly, for keeping handcart at Anta Ghat there was
some dispute between the petitioner other accused and the deceased and
they have caused threats to kill him, if he will keep the handcart there
and ultimately, he was killed and dead body was thrown in Ganga river.

Submission is of false implication and that there is no
eye-witness of the occurrence, no one has seen committing murder of
the deceased or throwing the dead body, witnesses are only on the point
of earlier altercation and causing threat. There is no specific allegation
against the petitioner. The petitioner is suffering in custody since

21.12.2015 without any legal and cogent material, chargesheet has been submitted, there is no chance of tampering with the prosecution evidence and, as such, he deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, witnesses examined vide para 9, 11 & 12 of the case diary have stated regarding earlier altercation and causing threats and further they have stated that in the morning they heard that they have killed the deceased and throw the dead body in river Ganga, and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chapra in connection with S. Tr. No. 346 of 2016 arising out of Sonepur P.S. Case No. 494 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.)

Rajiv/-

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