

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38032 of 2016

Arising Out of PS.Case No. -99 Year- 2013 Thana -IMAMGANJ District- GAYA

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Mantu Singh, Son of Late Sheo Nandan Singh @ Siwan Singh, Resident of
Village - Pathara, P.O. - Nagma, P.S. - Imamganj, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party : Mr. Smt. Nirmala Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 25-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Imamganj P.S Case No. 99 of 2013 registered for the offences
punishable under Section 364, 302, 201, 120(B), 379/34 of the
Indian Penal Code and section 27 of Arms Act.

The first Information Report is based on suspicion
against the petitioner and nine others. The son of the informant
was allegedly taken away by the petitioner and co-accused
Ramashish Paswan on 04.06.2013 on the pretext of participating
in a Panchayati, but he did not return and on 20.06.2013, the
informant came to know that the blood smeared, cap, baniyan and
glasses of his son is lying near Mohanpur village in a open field.

The informant has instituted a case pursuant to which the petitioner was arrested on 02.04.2016.

Submission is of false implication and that besides wild suspicion and hypothetical presumption of the informant, there is no other material to connect the petitioner to the alleged occurrence, no information was given after 04.06.2013 and the informant awaited till the recovery of baniyan, glasses and cap. Due to enmity, the petitioner has been implicated, during investigation it has come that the deceased was of criminal nature, the deceased might have been killed by other enemies and the petitioner has been implicated. Nothing has been recovered from conscious possession of the petitioner and only on suspicion he is suffering in custody whereas other co-accused Abhishek Kumar Singh @ Sintu Singh, Dhananjay Singh @ Chanju Singh and Wakil Singh have been allowed bail by different co-ordinate Benches of this Court.

Learned A.P.P. submits that the case of the petitioner is on different footing as the petitioner has called and taken away the deceased on the pretext of panchayati, but thereafter he did not return.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there

is no chance of tampering with the prosecution evidence, and, as such, 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 Sub-Divisional Judicial Magistrate, Sherghati in the District of Gaya, in connection with Imamganj P.S. Case No. 99 of 2013, 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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