

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38011 of 2016

Arising Out of PS.Case No. -283 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

Md. Adil, Son of Md. Jafir @ Jafir, Resident of Mohalla- Anderkil (near
Pathar Ki Masjid), P.S.- Town Hajipur, Dist- Vaishali. Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Soni Shrivastava, Advocate

For the Opposite Party : Mr. Sri Navin Kumar Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-09-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Hajipur
P.S Case No. 283 of 2014 registered for the offences punishable
under Sections 302/324/326/120(B) of the Indian Penal Code and
Section 27 of Arms Act.

Allegedly, the petitioner and other F.I.R. named
accused persons came being armed with pistol after entering into
the rented house of the informant, co-accused Saket Kumar shot
Abishek Kumar, the son of the informant causing death on the bed
itself. Motive behind the occurrence is said that Saket Kumar was
having illicit relationship with the wife of the deceased which was
being opposed by the deceased, resulting, Saket Kumar and his
associates being hatched criminal conspiracy, killed the deceased.

Submission is of false implication and that against
the petitioner there is no allegation of committing any overt act,
the only allegation is of criminal conspiracy. The petitioner is

suffering in custody since 07.04.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. All the allegations are against Saket Kumar and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that against the petitioner there is no allegation for committing any overt act and, as such, he 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 the learned J.M. 1st Class, Hajipur, Vaishali, arising out of Hajipur P.S. Case No. 283 of 2014, 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)

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