

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38138 of 2016**

Arising Out of PS.Case No. -42 Year- 2016 Thana -BHIMPUR District- SUPAUL

Raju Kumar @ Raju Kumar Mehta Son of Gopal Mehta resident of Village-Chainpur, Police Station- Bhimpur, District- Supaul.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party : Smt. Sucheta Yadav (APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3 22-10-2016 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 offences punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and other five FIR named accused persons killed Bimal Devi, the sister of the informant, in the night after twisting her neck which was seen by Shayam Kumar Mehta, the son of the deceased.

Submission is of false implication due to land dispute and that from paragraph-3 of the case diary it reveals that the police on receiving secret information has reached at the spot and the family members disclosed the name of the deceased and further on secret information arrested the petitioner at 10-20 AM though FIR has been lodged at 10-30 AM, the postmortem report

also does not support the prosecution version in toto, there is no specific allegation rather the allegation is general and omnibus in nature and as such the petitioner deserves sympathetic consideration, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is general and omnibus allegation and further the postmortem report does not support the prosecution version in toto, there is no chance of tampering with the prosecution evidence and as such 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 Sri Sunil Kumar, J.M. Supaul in Bhimpur P.S. Case No. 42 of 2016, 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)**

Abhay/-

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