

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41763 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -PANAPUR District- SARAN

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1. Ainuddin Son of Kayamuddin Mansoori Resident of Village Arna, P.S. Mashrak, District Chapra(Saran). Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 27-10-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Panapur P.S. Case No. 82 of 2016 registered for the offence punishable under Section 302 of the Indian Penal Code.

Allegedly, Ritesh Kumar was found injured with knife in his abdomen and when he was brought to Mashrak Government Hospital he was declared dead. The F.I.R. was registered against unknown. During investigation the name of the petitioner transpires on the basis of statement of the spy and when the petitioner was brought before Moti Rai who was an eye witness, he identified the petitioner that he was driving the motorcycle at that time and two motorcycle borne criminals had come and gave knife blow to the deceased and further on the basis of call details of mobile petitioner's name transpired.

Submission is of false implication and that there is no eye

witness of the occurrence, the statement of Moti Rai is not reliable as Moti Rai has stated in para 45 that the deceased informed telephonically regarding his injured condition to his family members but neither the informant nor any one has stated in that manner, so, Moti Rai is not reliable. The petitioner is in custody since 20.07.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

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

In the facts and circumstances stated above, considering that there is no chance of tampering with prosecution evidence 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 the like amount each to the satisfaction of the Learned C.J.M. Saran, in connection with Panapur P.S. Case No. 82 of 2016, 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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