

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3993 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

1. Nilesh Thakur @ Nilesh Kumar Son of Beni Thakur Resident of village -
Mahmadpur, P.S. Amarpur, District - Banka.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate

Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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

ORAL ORDER

3 18-03-2016 Heard learned Sr. Counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Pirpainty
P.S. Case No. 309 of 2015 registered for the offences punishable
under Sections 302, 34/120B of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, Niraj Mishra, the husband of the informant,
was shot and was admitted in Referral Hospital and then the
informant was going there and saw the petitioner and co-accused
Ravi Ranjan Mishra and they laughed at the informant and further
Ravi Ranjan Mishra told the informant that now the work has been
finished. Further it is alleged that the wearing clothes of the
petitioner and Ravi Ranjan Mishra were having blood stain and
accordingly, it is alleged that the petitioner and another co-accused

under criminal conspiracy have killed the husband of the informant.

Submission is of false implication and that there is no legal and tangible material against the petitioner, the prosecution story appears not reliable and probable, it is not probable that the culprit after committing the crime will laugh and tell something to the informant to get implicated, earlier the husband of the informant has lodged Sanha wherein the petitioner is not named and further during investigation confessional statement of co-accused Lallanjeet Kumar Yadav has been recorded wherein also the petitioner is not named and as such the petitioner deserves sympathetic consideration as against him there is neither any direct evidence nor any concrete circumstantial evidence.

Learned APP opposes the prayer of bail by submitting that the informant has seen the blood stain on the wearing clothes of the petitioner.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and further the petitioner is not named in the Sanha lodged by the deceased earlier, the petitioner above named 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 Additional Chief Judicial Magistrate 11th, Bhagalpur in connection with Pirpainty P.S. Case No. 309 of 2015, 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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