

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4851 of 2016

Arising Out of PS.Case No. -110 Year- 2014 Thana -BELSAND District- SITAMARHI

Prakash Kumar @ Mukund Mishra @ Mukund son of Prem Shankar Mishra, Resident of village- Beli, P.S.- Dumra, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. R.N.Jha(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 05-04-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Belsand P.S. Case No. 110 of 2014 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

Allegedly, a dead body of unknown was recovered and accordingly on the basis of fardbeyan of Chaukidar, case was registered. During investigation, Shiv Kumar Jha, cousin of the deceased, identified the dead body as of Alok Kumar Jha and it reveals that the deceased used to talk with Juhi from his mobile to the mobile of Juhi and the petitioner being elder brother of Juhi appears to have killed the deceased.

Submission is of false implication and that besides

suspicion there is nothing against the petitioner, there is no witness of the occurrence, petitioner was not seen in the company of the deceased or was seen committing any overt act, the petitioner without any legal and tangible material suffering in custody since 21.12.2015 and, as such, he deserves sympathetic consideration

The learned A.P.P. does not dispute the aforesaid submission.

In the facts and circumstances stated above, 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 C.J.M., Sitamarhi in connection with Belsand P.S. Case No. 110 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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