

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9996 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Ramesh Rai Son of Ram Babu Rai resident of Village - Daudnagar, P.S. - Bidupur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. A.A.Khan (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-04-2016 Heard the learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Bidupur P.S. Case No. 342 of 2015 registered for the offences punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, after hearing the sound of firing the informant woke up and saw her husband tossing and in the light of torch, she saw the petitioner and ten other co-accused fleeing away towards north side.

Submission is of false implication and that the alleged identification by the informant is weak in nature, due to land dispute, the petitioner and others have been implicated, in this case similarly situated co-accused Nokhi Rai has been

allowed bail and further, Mohan Thakur, whose prayer of bail was earlier rejected, has also been allowed bail in Criminal Miscellaneous No. 4983 of 2016 by another co-ordinate benches of this Court, the petitioner is suffering in custody since 19.11.2015. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. is not in a position to distinguish the case of the petitioner from those co-accused.

In the facts and circumstances stated above, the petitioner, above named, is also 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 342 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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