

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13006 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Krishna Kushwaha S/o Late Singhasan Bhagat (Kushwaha), resident of Village- Shri Nagar (Mairwa), P.S.- Mairwa, District- Siwan.. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hareram Singh

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Mairwa P.S. Case No. 119 of 2015 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

Allegedly, Chandan Singh, Bashir Nut and two unknown entered into the shop of the informant, closed the shutter and started indiscriminate firing, resulting, the father of the informant became injured and the informant hide himself behind the cloth and thereafter, the miscreants fled away with the motorcycle. The father of the informant was brought to the Referral Hospital Mairwa where he was declared dead. Other accused persons have been named as conspirator. The petitioner is not named in the first information report. During investigation co-accused Chandan Singh and Bashir Nut also did not name the

petitioner in their confessional statement but later on Harendra Singh @ Harendra Kushwaha in his confessional statement named the petitioner that he hired the criminals on payment to kill the deceased.

Submission is of false implication and that the alleged confessional statement of Harendra Singh @ Harendra Kushwaha after 4 and ½ months of the occurrence has got no evidentiary value in the eye of law and further Harendra Singh @ Harendra Kushwaha has already been allowed bail vide Cr. Misc. No. 16127 of 2016 by another Bench of this Court and as such the petitioner deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the prayer of bail of co-accused Chandan Singh has been rejected by this Court.

In the facts and circumstances stated above, considering that co-accused Harendra Singh @ Harendra Kushwaha who has named the petitioner has been allowed bail, 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 A.C.J.M. III, Siwan in connection with Mairwa P.S. Case No. 119 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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