

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14045 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -MARANCHI District- PATNA
=====

1. Dilkush Kumar son of Late Mukesh Kumar Resident of village- Jalakur
Maranchi (Panchmahala, P.S. Panchmahala O.P.) District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Murlidhar (App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner, learned
A.P.P. representing the State and the learned counsel for the
informant..

The petitioner seeks bail in connection with Maranchi
(Panchmahala) P.S. Case No. 84 of 2015 registered for the
offences punishable under Sections 302, 201, 364/34 of the Indian
Penal Code.

Allegedly, co-accused Kanhaiya Paswan called
Saurabh Kumar, the son of the informant from mobile and
thereafter, Saurabh Kumar went near Kanhaiya but he did not
return and when Kanhaiya was asked then he caused threats to kill
the informant also and it is alleged that Saurabh Kumar has been
killed by the petitioner and others.



Submission is of false implication and that besides suspicion there is nothing against the petitioner, the witnesses who have been examined, have only stated that the accused persons caused threats that if they will be implicated they will kill them, dead body has also not been recovered, there is no witness of actual killing, there is no witness who can say that the petitioner was in the company of the deceased before his death and, as such, the petitioner who is suffering in custody since 03.10.2015, deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant submits that there is circumstantial evidence against the petitioner.

In the facts and circumstances stated above, considering that Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Judicial Magistrate, 1st Class, Barh, Patna in connection Maranchi (Panchmahala) P.S. Case No. 84 of 2015 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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