

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11824 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -ARIYARI District- SEKHPURA

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1. Bhonu Mandal Son of Late Chando Mandal @ Chando Mahto, Resident of village- Brindawan, P.S.- Arari, District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioner, learned A.P.P. representing the State and the learned counsel for the ifnormant.

The petitioner seeks bail in connection with Ariari (Kasar) P.S. Case No. 116 of 2015 registered for the offences punishable under Section 364 of the Indian Penal Code and later on Section 302 and 201/34 IPC has also been added.

Allegedly, Sanjeet Kumar, the younger brother of the informant had gone to visit Dasshara fair with Shailendra Kumar from motorcycle but he did not return and Vinod Paswan told the informant that his brother was seen with Sanjay Mandal. During investigation, Sanjay Mandal and Guddu Mandal were apprehended and Guddu Kumar confessed his guilt and further on the basis of disclosure made by Sanjay Mandal, Guddu Mandal

and Chhotu Kumar, parts of the dead body and sickle stained with blood and further head of the dead body were recovered, some of the witnesses stated the name of the petitioner also that he was also present with Sanjay Mandal and Guddu Mandal.

Submission is of false implication and that there is no legal material against the petitioner, after long lapse of time, some of the witnesses, who are on inimical terms, have named the petitioner also that he was also last seen with the deceased, in the confessional statement of co-accused there is nothing against the petitioner and without any basis he is suffering in custody since 10.01.2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that trial is going on and threats are being caused from the jail also.

In the facts and circumstances stated above, considering that the petitioner is not named in the First Information Report, 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 S.D.J.M., Sheikhpura in G.R. No. 1183 of 2015 in connection with Ariari (Kasar) P.S. Case No. 116 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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