

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12910 of 2016

Arising Out of PS.Case No. -237 Year- 2015 Thana -THAKURGANJ District- KISANGANJ

Dev Narayan Singh Son of Lali Singh resident of Nikkarbari, Police Station - Pothia in the District of Kishanganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sangita Sharma (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-05-2016 Heard the learned counsel for the petitioner and the learned A.P.P representing the State.

The petitioner seeks bail in connection with Thakurganj P.S. Case No. 237 of 2015 registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

The petitioner is named in the first information report with allegation that he has taken away Hari Lal Ganesh, the son of the informant on 13.12.2015 and earlier he has taken Rs. 40,000/-. On 14.12.2015, the petitioner informed the wife of Harilal Ganesh that he had died. It is alleged that the petitioner was having illicit relationship with Sanjhli Hembrum which was being opposed by the son of the informant resulting he has been

killed.

Submission is of false implication and that besides suspicion, there is no legal and tangible material against the petitioner and he is suffering in custody since 15.12.2015 having no criminal antecedent. During the investigation, it has come that Hari Lal Ganesh was suffering from abdominal pain and due to that he died. The petitioner informed the wife of the deceased at once and as such the petitioner deserves sympathetic consideration. The learned counsel for the petitioner has referred para 7, 8, 9, 10 and 11 of the case diary.

The learned APP opposes the prayer of bail by submitting that the petitioner is named in the first information report.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with 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 Chief Judicial Magistrate, Kishanganj in connection with Thakurganj P.S. Case No. 237 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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