

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16842 of 2016

Arising Out of PS.Case No. -113 Year- 2015 Thana -BELHAR District- BANKA

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1. Rajendra Tanti Son of Late Anho Tanti, Resident of Village - Nawadih,
P.S. - Belhar, District - Banka. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh

For the Opposite Party/s : Mr. Indra Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 20-06-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Belhar P.S.
Case No. 113 of 2015 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and his three sons started abusing
and assaulting the father of the informant and further caused his
death by strangulating him.

Submission is of false implication and that the prosecution
story appears not probable and reliable, post mortem report does
not support the prosecution version as no external injury has been
found on the person of the deceased, cause of death has not been
ascertained and opinion was kept reserved till the report from
Forensic Science Laboratory. As alleged the occurrence has taken
place at the spur of moment and there was no intention to commit

murder. The petitioner being an old man aged about more than 60 years is suffering in custody since 07.07.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP submits that there is allegation against the petitioner and his three sons who have killed the father of the informant.

In the facts and circumstances stated above, considering the post mortem report and further the detention of the petitioner, 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 Sessions Judge, Banka in connection with Belhar P.S. Case No. 113 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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