

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17257 of 2016

Arising Out of PS.Case No. -334 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Nitish Kumar Singh Son of Raj Kumar Singh
2. Raj Kumar Singh
3. Arun Singh
Both nos. 2 and 3 are sons of late Ram Swaroop Singh
All Residents of Village- Ghorsar, P.S.- Kusheshwar Asthan, District-
Darbhanga..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad
For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Kusheshwar
Asthan P.S. Case No. 334 of 2015 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

The petitioners are named in the first information report
along with co-accused Rambalak Mukhiya with allegation that during
course of drinking there was altercation between the accused persons
and the deceased and thereafter, the accused persons killed the deceased
and threw the dead body in canal.

Submission is of false implication and that except
suspicion there is nothing against the petitioners, there is no witness of
actual killing, no one has seen the petitioners throwing the dead body
and similarly situated co-accused Rambalak Mukhiya has already been

allowed bail vide Cr. Misc. No. 17389 of 2016 by another co-ordinate Bench of this Court, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner also deserves sympathetic consideration having no criminal antecedent.

Learned APP fairly submits that co-accused Rambalak Mukhiy has been allowed bail.

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, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Biraul at Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 334 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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