

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41190 of 2015

Arising Out of PS.Case No. -101 Year- 2011 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Jahir Madari son of Inshan Madari, resident of Village- Dumari Bajju,
P.S.- Patahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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

ORAL ORDER

4 11-04-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 341, 323, 379, 302 and 506 of the I.P.C, section 27 of the Arms Act and section 17 of the Criminal Law Amendment Act.

Allegedly, Dr. Rajesh Kumar was kidnapped by 15-20 armed miscreants and thereafter after taking away towards the paddy field he was shot dead. During investigation the name of the petitioner transpires in the confessional statement of Balram Sahni, Amlesh Sah and Shankar Das.

Submission is of false implication, the petitioner has been made victim of the police atrocity, he has been made accused in several cases without any legal and tangible material, in this

case also there is no legal and tangible material against the petitioner and he is suffering in custody since 17.09.2014, whereas, other co-accused who have confessed and had taken the name of the petitioner have already been allowed bail by different Benches of this Court and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is involved in about 18 cases.

In the facts and circumstances as stated above, considering that other co-accused have been allowed bail and as such considering detention of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Sikrahana at Motihari, East Champaran in Pakarideyal P.S. Case No. 101 of 2011, 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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