

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49150 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Muquaddar Shah, son of Rafiullah Shah @ Rafique Shah, resident of village
Dakbangala Road, Police Station- Chandauti District- Chandauti (U.P)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh, Adv.

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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

ORAL ORDER

5 30-01-2016 Heard learned counsel for the petitioner as well as learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mohania P.S.
Case No. 50/2014 registered for the offences punishable under Sections
302, 394/34 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, Shiv Charan Yadav, driver of truck no. UP
67T/0247 was shot dead inside the truck by unknown miscreants.
During investigation on the basis of confessional statement of co-
accused Prabhat Kumar the name of the petitioner transpired that he
shot the driver as the driver did not pay the money demanded by him,
thereafter the petitioner has been remanded in this case on 17.06.2015.

Submission is of false implication, there is no cogent and
legal material against the petitioner, the petitioner is not named in the
FIR, the brother of the deceased has also filed an application wherein
also the petitioner is not named, the alleged confessional statement of

co-accused has got no evidentiary value in the eye of law and the petitioner who is suffering in custody deserves sympathetic consideration to which learned A.P.P. opposes by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner and only on the basis of confessional statement of co-accused he has been remanded in the case 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, Bhabhua at Kaimur in connection with Mohania P.S. Case No. 50/2014, 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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