

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53212 of 2015

Arising Out of PS.Case No. -169 Year- 2008 Thana -SALKHUA District- SAHARSA

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1. Sushil Kapar @ Kapri Son of late Janardan kapar resident of Village
Raghunathpur, P.s Sahebpur Kamal District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

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

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

3 12-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Salkhua P.S. Case
No. 169 of 2008 registered for the offences punishable under
Sections 147, 148, 149, 302, 307, 364 of the Indian Penal Code
and Section 27 of the Arms Act.

Allegedly, for cutting bamboo, there was firing and counter
firing between the two groups wherein the husband of the
informant died and on the basis of information furnished by
villagers of Shamhar Khurd and Kabirpur name of the petitioner
and others have been taken in the FIR.

Submission is of false implication and that there is general
and omnibus allegation about firing and there is nothing specific

against the petitioner and some of the co-accused have been allowed bail by different Benches of this Court vide order passed in Cr. Misc. No. 44104 of 2009, 17250 of 2010, 14091 of 2011 and 129 of 2012 and the petitioner is suffering in custody since 27.08.2015.

Learned APP is not in a position to distinguish the case of the petitioner from that of co-accused who have been allowed bail.

In the facts and circumstances stated above, 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, Saharsa in connection with Salkhua P.S. Case No. 169 of 2008, 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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