

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31447 of 2016

Arising Out of PS.Case No. -17 Year- 2010 Thana -RAIL District- LAKHISARAI

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Maheshwar Das son of Late Sukhali Das, resident of village Gariya, P.S. Madhupur, District Deoghar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nilesh Kumar

For the Opposite Party : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 15-09-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 302, 201 and 34 of the I.P.C

Allegedly, the petitioner being in conspiracy with other co-accused committed murder of Abhimanyu Singh, ASI. Posted at Jhajha Rail Police Station and at that time the petitioner was Munshi of Jhajha Rail Police Station and despite seeing the photograph of the dead body, he suppressed the same which goes to say that he was actively involved in the said conspiracy.

Submission is of false implication and that FIR has been lodged after five years of the occurrence, the petitioner was



not residing with the deceased rather Lal Bahadur Singh was residing with the deceased in the same room, the case of the petitioner is similar to that of Rajdeo Singh who has been allowed bail by order dated 11.04.2016 passed by another co-ordinate Bench of this Court in Cr. Misc. No. 13624 of 2016 and further co-accused Dilkash Kumar Singh has also been allowed bail, there is no legal and cogent material against the petitioner, it has been wrongly stated that the photograph of the dead body was shown to the petitioner and he did not identify.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner was in active participation with other co-accused Lal Bahadur Singh as the petitioner was also posted in the same police station and they were staying in the same quarter, the case of the petitioner is quite on different footing than that of Rajdeo Singh and Dilkash Kumar Singh.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioner, further the petitioner is in custody since 18.02.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner 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 the District & Sessions Judge, Lakhisarai in S.Tr. No. 138 of 2016 arising out of G.R.P. P.S. Case No. 17 of 2010, 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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