

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46222 of 2016

Arising Out of PS.Case No. -157 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

=====

Umesh Lahari @ Kobi, Son of Late Bishundev Prasad, Resident of village -
Daulachak, P.S. Kashichak, District - Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.
Mr. Dr. Anjani Pd. Singh, Advocate.

For the Opposite Party : Mr. Rajeev Nayan, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-12-2016 Heard both sides.

The petitioner seeks bail in Sheikhpura P.S. Case No. 157 of 2015, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Sulekha Devi the widow of the deceased Ashok Kumar alleged that her husband received a telephone call and went outside from his house with his auto rickshaw bearing Registration No. JH10N-2213 but her husband did not return. The informant and her brother-in-law made search and thereafter the dead body was recovered.

Shri Ajay Kumar Thakur, learned counsel for the petitioner submits that there is no eye witness of the occurrence.



After 3½ months of the occurrence the informer of the police in paragraph-129 of the case diary disclosed that Umesh Yadav saw the occurrence but out of fear he was reluctant to disclose about the occurrence. Thereafter, the police enquired from Umesh Yadav who made his statement in paragraph-162 of the case diary and disclosed that while he was attending the call of nature he saw the petitioner and other accused persons assaulting the deceased. Janki Mahto and Sulochna Devi also came forward to be the eye witnesses of the occurrence although Janki Mahto and Sulochna Devi are close relatives, uncle and sister-in-law, respectively of the informant. All these eye witnesses are set up only to implicate the petitioner but no other material was collected.

Learned APP however opposed the prayer for bail of the petitioner.

It appears that although the name of the petitioner figured in the FIR but on mere suspicion and after 3½ months of the occurrence three witnesses Umesh Yadav, Janki Mahto and Sulochna Devi came forward and claimed themselves to be eye witnesses of the occurrence and disclosed that the petitioner and others killed the deceased but they did not disclose any cogent reason about non-disclosure of this fact for such a long time.

Considering the facts aforesaid, the petitioner above



named is directed to be enlarged 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 Chief Judicial Magistrate, Sheikhpura in Sheikhpura P.S. Case No. 157 of 2015.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--

