

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5045 of 2016

Arising Out of PS.Case No. -39 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Mintu @ Mantu Pandey S/o Gopal Krishna Pandey Resident of Mohalla -
Purab Tola, P.S. - Kahalgaon District - Bhagalpur..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad

For the Opposite Party/s : Mr. Md. Ataur Rahman (App)

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

ORAL ORDER

3 29-03-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Kahalgaon
P.S. Case No. 39 of 2014 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

The petitioner is not named in the first information
report. During investigation Nitu Kumari the wife of the deceased
disclosed the name of the petitioner and stated that her husband
Atal Bihari Mishra and Nitesh Mishra got seated on the
motorcycle and thereafter, Nitesh and his associates killed her
husband and further it has come that there was bad relation
between the deceased and the petitioner.

Submission is of false implication and that Nitesh
Mishra faced trial and he has already been acquitted vide Sessions
Trial No. 50 of 2015 and the petitioner is suffering in custody

since 13.08.2015 without any legal and tangible material to which learned APP opposes by submitting that the deceased went with the petitioner and others and thereafter, he was killed.

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 5th Additional Sessions Judge, Bhagalpur in S. T. No. 30 of 2016 arising out of Kahalgaon P.S. Case No. 39 of 2014, 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.

avin/-

(Jitendra Mohan Sharma, J)

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