

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12308 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -DURAULI District- SIWAN

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1. Anish Khan S/o Late Khus Mohammad Khan Resident of Village:-
English, Police Station- Mairwa, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Darauli
P.S. Case No. 69 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code Section 27 of the
Arms Act.

Allegedly, Urmila Devi the sister of the informant was
shot dead by Vashishth Rai, Anand Kumar Singh, Tuntun Singh
and one unknown only with a view to grab her property.

Submission is of false implication and that the
petitioner is not named in the First Information Report, during
investigation the informant in his further statement has made
specific allegation against Anand Kumar Singh that he shot



Urmila Devi in her temple and others were catching hold her, witness Rameshwar Singh has also stated but later on, to save those accused persons, witness Mokhtar Singh stated the name of the petitioner that he was firing aiming balloon which hit Urmila Devi causing her death and further other witness has also stated that due to firing made by the petitioner Urmila Devi was killed and, as such, as per the version developed later on was against the petitioner, there was no intention to commit murder and it may be a case of negligent act, without any fault the petitioner is suffering in custody since 30.12.2015 and, as such, he deserves sympathetic consideration to which the learned APP fairly submits that the name of the petitioner has come later on though earlier the informant and other witnesses have claimed that Anand Kumar Singh was the assailant.

In the facts and circumstances stated above, considering that Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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, Siwan in connection with Darauli P.S. Case No. 69 of 2015 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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