

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12222 of 2016

Arising Out of PS.Case No. -36 Year- 2012 Thana -KATRA District- MUZAFFARPUR

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1. Dharmendra Singh @ Jugnu Singh son of Late Ram Kumar Singh @ Feku Singh, resident of village- Dhanaur, P.S. Katra, Dist. Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Ajay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-05-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Katra P.S. Case No. 36 of 2012 registered for the offences punishable under Sections 302/34, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, about twenty miscreants opened indiscriminate firing resulting Shiv Shankar Sah, working as Munshi on the construction site became seriously injured and died and further Md. Zafir Alam and Md. Nizar Alam also received injuries. Out of them Chandra Kant Mishra, Niraj Mishra and Raj Kumar Bhagat were identified.

Submission is of false implication and that the

petitioner is not named in the First Information Report, only on the basis of information furnished by spy, earlier the name of the petitioner was taken and after three years of the occurrence the name of the petitioner has come vide para-172 of the case diary. There is no legal and tangible material against the petitioner and as such the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the mobile used for making demand of ransom belongs to one Neela Devi, the mother of the petitioner and further the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that the petitioner is in custody since 02.09.2015, no one has stated that the petitioner was also present at the time of occurrence and as such he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri S.K.Manjhi, Judicial Magistrate 1st Class, Muzaffarpur, in connection with Katra P.S. Case No.36 of 2012, subject to 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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