

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22496 of 2016

Arising Out of PS.Case No. -182 Year- 2015 Thana -MAIRWA District- SIWAN

Ashok Jaiswal son of Late Jagarnath Prasad, Resident of village- Prangarhi,
P.S.- Mairwa, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioner, learned counsel
for the informant and learned counsel representing the State.

The petitioner seeks bail in connection with Mairwa P.S.
Case No. 182/2015, registered for the offences punishable under
Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly, the petitioner gave order to kill and then other
co-accused caught hold the father of the informant and co-accused
Rinku David opened fire upon the father of the informant which
hit on his nose and he fell down. When he was brought at Sadar
Hospital Siwan he was declared dead by the doctor.

Submission is of false implication and that the petitioner
is not the assailant. Allegedly, he is an order giver, he is in custody

since 10.12.2015. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that petitioner is the order giver.

In the facts and circumstances stated above, considering that now 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 Additional Chief Judicial Magistrate 3rd, Siwan in connection with Mairwa P.S. Case No. 182/2015, 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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