

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49193 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -BIKRAM District- PATNA

Mukesh Rajak Son of Chandrika Rajak Resident of village + P.O.
Lachywar, P.S. Sikandra, District - Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. T.N.Thakur(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bikram
P.S. Case No. 37 of 2015 registered for the offence punishable
under Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

Allegedly, the petitioner informed the informant that
there was firing in Anchal Guard, Bikram and then the informant
went there with other police personnel, and found Hawaldar Ram
Kishun yadav and constable Sadanand Kumar lying on the floor in
injured condition and both were unconscious. Thereafter both
were brought at primary health centre and both were declared dead
and it is claimed that the petitioner has killed them.



Submission is of false implication and that there is no eye witness of the occurrence, no one has seen the petitioner committing the crime, only it has come that the petitioner has asked for leave from Hawaldar and for that there was some dispute and on the suspicion the witnesses have named the petitioner, besides suspicion there is nothing against the petitioner and as such the petitioner who is suffering in custody since 10.3.2015 deserves sympathetic consideration.

Learned A.P.P. opposes prayer for bail by submitting that the petitioner was present at the time of occurrence and this goes to indicate that he has killed the constable and Hawaldar and gave information to the informant.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner and also considering the period of detention of the petitioner, he 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 Additional Chief Judicial Magistrate, Danapur, in connection with Bikram P.S. Case No. 37 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)

siddharth/-

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