

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47082 of 2015

Arising Out of PS.Case No. -76 Year- 2014 Thana -DANDARI District- BEGUSARAI

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1. Sukan Singh S/o- Yadu Singh R/o- Katarmala, P.S.- Dandari, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Dandari P.S. Case No. 76 of 2014 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly Nitish Kumar, bhagina of the informant was sleeping and Amit Kumar and Mahanth Kumar were also sleeping there and through mobile, the informant was informed that Nitish Kumar was shot dead and then the informant and the villagers saw the petitioner and others being armed, fleeing away from the place of occurrence.

Submission is of false implication and that during



investigation those two eye witnesses have stated that two criminals after covering their faces came and shot Nitish Kumar and no one has seen the petitioner committing the crime and in this case, similarly situated co-accused Shambhu Bind and Ram Babu Bind have been allowed bail vide Criminal Misc. No. 12726 of 2015 by another co-ordinate Bench of this Court and, as such, the petitioner who is suffering in custody since 19.01.2015, deserves sympathetic consideration.

The learned A.P.P. submits that the petitioner is involved in more than two other cases also and on that ground the prayer for bail was rejected by the learned court below.

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 other co-accused have been allowed bail and, as such, the petitioner, above named, is also 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 Sessions Judge, Begusarai arising out of Dandari P.S. Case No. 76 of 2014 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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