

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53012 of 2016

Arising Out of PS.Case No. -790 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Mahesh Singh @ Mahesia, S/o Sri Ram Ekbal Singh, Resident of Mohalla- Ranjitpur Kuari, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 23.01.2016 in connection with Sitamarhi P. S. Case No. 790 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 Arms Act.

The prosecution case as lodged by the informant is that his father being a R.T.I. activist and on the day of incident, he had gone to talk with another persons and after ten minutes, the sound of gun shot was heard. The informant and other family members rushed and found that his father was dead out side the house.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has falsely been implicated in the aforesaid case on the basis of confessional statement of co-accused namely, Ajay Kumar and Lokesh Kumar, who were arrested and confessed their guilt. He further submits that the said co-accused have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 2720 of 2016 dated 18.02.2016 and Cr. Misc. No. 6057 of 2016 dated 05.05.2016 and other co-accused have also been granted the privilege of bail by this Court.

It has further been submitted that the confessional statement of co-accused has no evidentiary value in the eye of law and that there was no motive behind the alleged occurrence.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, since other co-accused have since been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 790 of 2015 subject to the condition that one of the bailors would be a close relative of the



petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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