

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50534 of 2016

Arising Out of PS.Case No. -64 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

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Pappu Sah S/o Ashok Kumar Sah Resident of Mohalla- Mandroja P.S.
Tatarpur District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.07.2016 in connection with Sessions Trial No. 647 of 2016,
arising out of Ishakchak (Tilkamanjhi) P.S. Case No. 64 of 2016
registered for the offence punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case lodged against unknown is that
the informant, who is the father of the deceased, got knowledge
that his son has been killed by two unknown persons near Amarjit
hotel by fire-arm.

It has been submitted by the learned counsel for the
petitioner that he is not named in the First Information Report, is



innocent and has been falsely implicated in the aforesaid case due to previous enmity with the deceased in which deceased was the prime accused. It has further been submitted that on the confessional statement of one Kanhaiya Kumar petitioner's name surfaced, which has no evidentiary value in the eye of law. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that from perusal of various paragraphs of the case diary, the witnesses have supported the prosecution case and that petitioner is accused in eight more cases, hence, opposes the prayer for bail.

Considering the materials and that charge-sheet has already been submitted, hence, petitioner's liberty on bail would not adversely affect his trial, 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 4th Additional Sessions Judge, Bhagalpur in connection with Sessions Trial No. 647 of 2016, arising out of Ishakchak (Tilkamanjhi) P.S. Case No. 64 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient



immovable properties within the jurisdiction of concerned police station.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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