

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55530 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -MARKAHI District- KHAGARIA

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1. Naresh Sada S/o Koke @ Kokai Sada @ Koka Sada, Resident of village -
Piperpanti, P.S. Alauli, District - Khagaria.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Kr.Ranjit Ranjan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-02-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Morkahi P. S.
Case No. 56 of 2014 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegedly, FIR named 23 persons including the petitioner
surrounded Naresh Sada, the nephew of the informant Jagat Sah who
had gone to Kalwara River with his buffalo and after opening firing,
killed Naresh Sada. The cause of occurrence is said to be caste rivalry.

Submission is of false implication and that the informant is
not an eye witness to the occurrence, there is allegation against 23
persons for making firing at the deceased but only three entry and three
exit wounds caused by firearm and one lacerated wound caused by hard
and blunt substances were found on the person of the deceased and the
petitioner is suffering in custody since 09.11.2014 whereas similarly

situated co-accused Jagdish Sada and Gongu Sada have been allowed bail vide order dated 10.02.2016 passed in Cr. Misc. No. 55271 of 2015 by another co-ordinate Bench of this Court to which learned APP is not in a position to distinguish the case of the petitioner from those co-accused.

In the facts and circumstances stated above, 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 the learned Additional Sessions Judge IV, Khagaria in connection with Morkahi P.S. Case No. 56 of 2014 G.R. No. 1344A of 2014, 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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