

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7006 of 2016

Arising Out of PS.Case No. -7 Year- 2014 Thana -JADOPUR District- GOPALGANJ

Binda Rai son of Late Shankar Rai Resident of Village - Babu Bishunpur,
P.S. - Jadopur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 08-03-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jadopur P.S. Case No. 07 of 2014 registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 354(A) and 302/34 of the Indian Penal Code.

Allegedly, the petitioner gave order to kill Mintu Kumari and then, Santosh Rai stabbed Mintu Kumari and further co-accused Pintu Kumar Rai stabbed Raju and Mintu Kumari died.

Submission is of false implication and that as the petitioner is the guardian of the family, he has been implicated with an oblique motive, he was not present at the place of occurrence and he has been dragged in this case as an order giver.

The petitioner is suffering in custody since 19.12.2015, co-accused Pankaj Kumar Rai has been allowed bail vide Cri. Misc. No. 82 of 2015 by another co-ordinate Bench of this Court and, as such, petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that at the instigation of the petitioner Mintu Kumari was killed.

In the facts and circumstances stated above, considering that the petitioner is not the assailant and, as such, 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 C.J.M., Gopalganj in connection with Jadopur P.S. Case No. 07 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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