

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51567 of 2015

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Umashankar Patel, S/o Jogi Raut, R/o Village - Gamahariya, Pachhayari
Tola, P.S. - Raxaul, Distt. - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary (App)

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

ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in Raxaul P.S. Case No. 10
of 2012 registered for the offences punishable under Section 302,
201, 120(B) of the Indian Penal Code.

On the basis of written report of Chowkidar
Parshuram Pandit the aforesaid case has been registered, wherein
it is alleged that just east of railway line, one dead body, whose
head has been cut away, has been found and further the blood stain
has been found up to the Fush-thatched house of the petitioner and
on the wall also there was blood stain. Further, the soil was found
washed in that house. During investigation, the name of the
petitioner and other co-accused transpired that they were seen

moving towards the hut of the petitioner.

Submission is of false implication and that there is no direct evidence against the petitioner, in this case other co-accused, namely, Bhairo Raut @ Bhairo Patel and Jogi Raut have been allowed bail vide order dated 01.04.2014 passed in Criminal Miscellaneous No. 36100 of 2013 and order dated 12.03.2014 passed in Criminal Miscellaneous No. 34026 of 2013, respectively, by another coordinate Bench of this Court and the petitioner is suffering in custody since 24.08.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the deceased went after saying that he was going to the house of the petitioner to demand money.

In the facts and circumstances stated above considering that the 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) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 10 of 2012, 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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