

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.545 of 2016

Arising Out of PS.Case No. -319 Year- 2013 Thana –BODHGAYA CHERKI District- GAYA

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1. Ram Narayan Sharma Son of Late Ramdeep Sharma.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 19-04-2016

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is named in the first information report and it is alleged that petitioner and three others went to the house of the deceased and took him from his house. Subsequently, dead body of the deceased was found. The reason behind the alleged occurrence is said to be business rivalry.

In course of investigation, one Manoj Yadav was arrested and confessed his guilt disclosing this fact that petitioner and others had hired him for committing the murder of the

deceased and after that he along with others committed the murder of the deceased. Furthermore, the aforesaid co-accused, Manoj Yadav stated that it was co-accused, Sanjay who took the deceased and committed his murder. The motorcycle of the deceased was recovered from the house of co-accused, Manoj Yadav.

Learned counsel appearing for the petitioner submits that co-accused, Sanjay Yadav @ Sanjay Kumar Yadav against whom there is allegation of committing murder of the deceased, has already been granted privilege of bail by a co-ordinate bench of this court and so far as petitioner is concerned, except suspicion as well as confessional statement of co-accused, there is nothing against him to show his involvement in the present crime and as a matter of fact, he has been roped in this case on account of business rivalry.

On the other hand, learned counsel appearing for the informant opposed the prayer pointing out that bail prayer of co-accused, Manoj Yadav has already been rejected by a co-ordinate Bench of this court vide order dated 30.09.2015 passed in Cr. Misc. No. 22970 of 2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been

completed and petitioner does not have any criminal antecedent, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 319 of 2013.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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