

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3976 of 2016

Arising Out of PS.Case No. -29 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

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Ajit Kumar @ Ajit Patel, S/O Surendra Mahto, resident of Village-Subhaigarh, P.S.- Runni, Saidpur, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-02-2016

Learned counsel for the petitioner seeks permission to add some sections in para 1 of the application. Permission is granted. Learned counsel for the petitioner is directed to make correction during course of the day.

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

The petitioner seeks bail in connection with Runni Saidpur P.S. case No. 29 of 2013 registered for the offences punishable under Sections 147, 148, 149, 302, 326, 307/34 of the Indian Penal Code and Sec. 27 of Arms Act.

The petitioner is not named in the F.I.R. Two persons namely Akhileshwar Prasad and Kamleshwar Prasad are said to have been injured and during the course of treatment, Kamleshwar

Prasad died.

Submission is of false implication and that during the course of investigation, it has come that Pappu Khan fired at Kamleshwar Prasad and Sanjay Sahni also fired injuring Akhileshwar Pd. Yadav and co-accused Naresh Das, Sanjay Sahni and Manoj Sahni have been granted bail by this Court vide order passed in Cr. Misc. no. 9235 of 2015, Cr. Misc. no. 16727 of 2014 and Cr. Misc. no. 39019 of 2014 and other co-accused Chintu Chaudhary has also been granted bail vide Cr. Misc. no. 14421 of 2015 and as such, the petitioner who is suffering in custody since 26.11.2015 also deserves sympathetic consideration.

Learned A.P.P. 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 C.J.M. Sitamarhi arising out of Runni Saidpur P.S. case No. 29 of 2013 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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