

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15710 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -PARSABAZAR District- PATNA

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Mahesh Singh son of Ram Swaroop Singh, resident of village- Gordiha,
P.S. Daud Nagar, District- Aurangabad, at present resident at Punpun
Station, P.S. Punpun, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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

3 02-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Parsa
Bazar P.S. Case No. 171 of 2016 registered for the offences
punishable under Sections 302, 120(B), 34 of the Indian Penal
Code and 27 of the Arms Act.

Allegedly, the petitioner was chasing Vikash Kumar
son of the informant with motorcycle and Vikash Kumar was also
on the motorcycle, besides the petitioner and Nawlesh Singh
Mukhia, other motorcycles were also going on with the petitioner
and on one motorcycle, there were two unknown persons. The
informant tried to inform his son through his mobile, but no
contact was made and thereafter the informant got information that



his son Vikash Kumar has been shot dead, then the informant went there and found his son lying dead.

Submission is of false implication and that besides suspicion, there is nothing against the petitioner. There is old enmity and due to that the petitioner and other persons were implicated. Nothing incriminating articles have been recovered from the possession of the petitioner and there is no legal evidence against him. The petitioner is suffering in custody since 23.09.2016. During the course of investigation, besides suspicion, nothing has come against the petitioner.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is named in the F.I.R. and the fact that the involvement of the petitioner has been substantiated during the course of investigation. The petitioner was just behind the motorcycle of the son of the informant and under criminal conspiracy, the son of the informant was killed by the petitioner and others.

In the facts and circumstances stated above, considering the fact that there is no legal evidence against the petitioner and there is no eye witness of the occurrence who can say the name of the petitioner, and as such, the petitioner 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 Chief Judicial Magistrate, Patna in connection with Parsa Bazar P.S. Case No. 171 of 2016, 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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