

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33959 of 2017

Arising Out of PS.Case No. -126 Year- 2012 Thana -PURAINI District- MADHEPURA

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1. Jay Prakash Sah @ Jai Prakash Sah Son of Heera Sah Resident of
Village- Kalasan, P.S. Chausa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-09-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Puraini P.S.

Case No. 126 of 2012 for offences punishable under Sections

302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is

that while she and her husband were sleeping in the *Bathan*, at

mid-night two accused persons came and started indiscriminate

firing on her husband, as a result he succumbed to the injuries. It

is alleged that there were 3-4 persons standing outside the house

and all began to flee away. The enmity is with regard to land



dispute.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced during investigation and he has been implicated just because he has a criminal antecedent. He submits that the informant was herself an eye witness who has not seen the petitioner committing any overt act and specific allegation is upon two other accused. He submits that two of the similarly situated co-accused have been granted privilege of bail by co-ordinate Benches of this Court in Criminal Miscellaneous no. 57841 of 2015 on 30.01.2016 and Criminal Miscellaneous No. 57731 of 2015 on 08.03.2016. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner and that he is languishing in judicial custody since 23.02.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Uda-Kishunganj, Madhepura in connection with Puraini P.S. Case No. 126 of 2012, subject to the condition that one of the bailors would be a close relative of the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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