

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27941 of 2017

Arising Out of PS.Case No. -270 Year- 2015 Thana -BAHERI District- DARBHANGA

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1. Abhishek Jha Son of Late Ved Prakash Jha Resident of Village - Dumari,
P.S. - Shyampur Bhatha, Distt. - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Shharma, Advocate
Mr. Man Mohan Kumar, Advocate

For the State : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 27-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case instituted for the
offences punishable under Sections 302, 386, 387, 120 (B)/34 of
the Indian Penal Code and 27 of the Arms Act.

The prosecution case as lodged by the informant is
that on the alleged date and time of occurrence the uncle of the
informant and Brajesh Kumar, engineer of C.N.C. company were
present at Shiv Ram Chowk and were performing the work of
road. At that time four unknown persons came and fired on his
uncle Umesh Kumar and friend Brajesh Kumar and fled away by a
motorcycle. The staff of the C.N.C. company carried the injured to
D.M.C.H. but they died on the way.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and it is only on the basis of confessional statement of co-accused and his own confessional statement that he has been made accused in the present case. He submits that other co-accused have been granted privilege of bail by Co-ordinate Benches of this Court in Cr. Misc. No. 12938 of 2017 dated 22.03.2017, Cr. Misc. No. 7325 of 2017 dated 10.03.2017 and also other accused and that there is no eye witness of the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case. It is further submitted that the petitioner is in custody since 06.03.2017 and charge sheet has already been submitted and there is no allegation of tampering with the prosecution evidence against the petitioner.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner has criminal antecedent and he is involved with Mukesh Pathak and Vikash, members of criminal gang, hence , opposes the prayer for bail.

Considering the facts and circumstances of the case and since other co-accused on similar allegations have been granted the privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District Judge, Darbhanga in connection with Sessions Trial No. 146 of 2016 arising out of



Baheri P.S.Case No. 270 of 2015, subject to the conditions that one of the bailors would be a close relative of the petitioner and the petitioner shall fully cooperate with the investigation/trial of the case and if the petitioner commits similar type of offence in future, the learned Court below shall be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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