

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46487 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -MITHANPURA District- MUZAFFARPUR

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Badri Ojha S/O Late Ambika Ojha village Kanhauli Vishundatt, P.S.
Mithanpura, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Trial No.2638 of 2017, G.R.No.1431 of 2017 arising out of Mithanpura P.S.Case No.95 of 2017 registered for offences punishable under Sections 302, 120(B), 212 and 216 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is not named in the FIR and later on his name transpired during the course of investigation of the case on the basis of confession of the co-accused and the main allegation is against the co-accused, who was demanding extortion from her husband and the informant had been shot dead by two other accused persons.

Submission of the learned counsel for the petitioner is that except confession there is nothing against the petitioner and he is



65 years old. The other co-accused persons, who has been granted bail by this Court, vide order dated 4.9.2017 passed in Cr. Misc. No.33370 of 2017 and order dated 4.9.2017 passed in Cr. Misc. No.39399 of 2017, order dated 4.9.2017 passed in Cr. Misc. No.35195 of 2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., East Muzaffarpur in connection with Mithanpura P.S.case no.95 of 2017 dated 6.4.2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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