

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19531 of 2017

Arising Out of PS.Case No. -101 Year- 2015 Thana -BARHARIA District- SIWAN

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1. Munna Khan @ Raji Ahmad Khan S/o Ajeej Khan, R/o village -
Gyaspur, P.S. Siswan, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-05-2017 Heard the parties.

The petitioner seeks regular bail in connection with Barharia P.S.Case No.101 of 2015, G.R.No.1225 of 2015 registered for offences punishable under Sections 302/34 of the Indian Penal Code and Seciton 27 of the Arms Act and 3(ii)(v) of S.C./S.T. Act.

The petitioner is not named in the F.I.R. and it appears that his name transpired during the course of investigation of the case.

It is submitted on behalf of the petitioner that except confessional statement of the co-accused, there is nothing against the petitioner and whatever the evidence is that they are hearsay evidence as well as there is no eye witness of the occurrence. The petitioner is accused in four other cases also but he is on bail in all those cases.



Heard learned A.P.P. also, who could not point out any allegation except the confessional statement of the co-accused.

Having heard both sides and in view of the fact that except the confessional statement, there is nothing against the petitioner and he is in custody for about five months, as such 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 C.J.M., Siwan in connection with Barharia P.S.Case No.101 of 2015, G.R.No.1225 of 2015.

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.
- (iv) In future, if his active participation is found in any similar type of case, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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