

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2566 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -BIND District- NALANDA
(BIHARSHARIFF)

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Satish Raut, Son of Sri Anirudh Raut, resident of Village- Maura, Alipur,
P.S.- Bind, Distt.- Nalanda. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

For the Informant : Mrs. Archana Mishra, Advocate

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

ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bind
P.S. Case No. 126 of 2016 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, Rahul Kumar, the son of the informant,
aged about 16 years had gone to village Sosandi to see cultural
programme but he did not return to his house and in the morning
his dead body was found lying in Gothwa river. During
investigation the name of the petitioner and other co-accused
transpired that they were with the deceased and they have gone
with the deceased and they have killed the deceased and threw the
dead body in the river.

Submission is of false implication and that there is



no direct evidence against the petitioner, there is no circumstantial evidence also and only on hearsay evidences which are recorded in paragraph 19, 20, 21 of the case diary the petitioner has been apprehended in this case, there is no eye witness regarding actual killing or of last seen and as such the petitioner deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that protest petition has been filed wherein it is alleged that the petitioner and co-accused have taken away the deceased in their company and further in paragraph 25 of the case diary the accused persons including the petitioner have stated that they were in the company of the deceased.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named 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, Nalanda at Biharsharif in connection with Bind P.S. Case No. 126 of 2016, subject to the conditions that one of the bailors must be a 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.

avin/-

(Jitendra Mohan Sharma, J)

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