

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24852 of 2018

Arising Out of PS.Case No. -57 Year- 2009 Thana -DEORIYA District- MUZAFFARPUR

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Shiv Dayal Das @ Shiv Dayal Sah S/o Lakhindra Das, Village-Paroo
Mathiya, P.S.-Paroo, District-Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 13.2.2018 in connection with Deoria P.S. Case No.57 of 2009 for the offences alleged under Sections 364, 302, 201 and 120(B) of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and there is no objective material to connect the petitioner with the alleged occurrence. The petitioner has been implicated merely because he happens to be the relative of the informant's co-villager with whom there is dispute pursuant to Deoria P.S. Case No.41 of 2009 instituted by the petitioner's side. Similarly situated co-accused Prema Devi, Sheo Dayal Das



and Birendra Das had already been granted anticipatory bail by a Bench of this Court vide Annexures 3 and 3/1 and co-accused Mahadeo Paswan and Maya Das had been granted regular bail by a Bench of this Court vide Annexure-2 and 2/A. Petitioner claims clean antecedent.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount leach to the satisfaction of Smt. Priti Kumari, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Deoria P.S. case No.57 of 2009, on the following conditions :

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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