

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2355 of 2019

Arising Out of PS. Case No.-336 Year-2018 Thana- DUMRA District- Sitamarhi

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Naveel Akhtar, aged about 21 years, Male, S/o Shaikh Jahiruddin, Resident of Village-Sitalpur, Tola- Hanumanganj, P.S. Chakia, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Adv.

For the Opposite Party/s : Mr.Anant Kumar(App237)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 14-03-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 302, 120(B), 307/34 of the Indian Penal Code, Sections 27 of the Arms Act and Section 17 C.L.A. Act.

Informant has alleged that on 28.08.2018 at about 2:25 hours while he along with other police officials proceeded for production of prisoner Santosh Jha and Vikash Jha from District Jail, Sitamarhi, the informant with two prisoners reached the road after production, all of sudden two miscreants from the north side came and started firing upon Santosh Jha and on account of which Santosh Jha fell down. The miscreants started



running away towards western side raising slogans “Mukesh Pathak Jindabad”. One of the miscreants was apprehended by the police with pistol and another managed to escape. Santosh Jha was brought to Sadar hospital Sitamarhi for treatment where he was declared dead. The apprehended miscreants disclosed that on the order of Mikesh Pathak he has made firing upon Santosh Jha to kill him.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the FIR. The name of the petitioner has surfaced on the basis of confessional statement of co-accused Vikash Kumar. Except that no legal evidence on record to connect the petitioner to the alleged occurrence. Petitioner has no criminal antecedent and is in custody since 01.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dumra P.S. Case No. 336 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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