

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25718 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- SIRDALA District- Nawada

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Sheru Khan @ Shamsher Khan S/o Mokhtar Khan @ Mokhtar Khan Resident
of Village-Satan Bigha, P.S.-Sisdalla (Meskaur), District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
		Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Ms. Mina Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-11-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner in connection with Sirdalla (Meskaur) P.S.
Case no. 141 of 2020 registered for the offence punishable
under sections 302, 120B and 34 of the Indian Penal Code and
section 27 of the Arms Act.

As per allegation in the FIR, the six named accused
persons including the petitioner herein are stated to have called
the husband of the informant saying that he was being called by
some persons. It is stated that the husband of the informant did
not return and the next morning he was found murdered.

It is submitted by learned counsel for the petitioner



that the allegation in the FIR that the petitioner was one of the six named accused persons amongst the accused who had called the husband of the informant is absolutely false. From the material that has transpired in course of investigation, admittedly there is no eye-witness to the occurrence. From the statement of the independent witnesses including one Prahalad Yadav whose statements have been recorded in paragraph no. 68 of the case diary together with the other material that has transpired, it is submitted that contrary to the allegations, the petitioner was not amongst the persons who had gone to call the husband of the informant. At best, even accepting the allegation levelled in the FIR, the case against the petitioner is one of last seen. The petitioner is in custody since 2.5.2020 and investigation with respect to him has concluded.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, submissions made on behalf of the petitioner together with the material that has transpired in course of investigation, this Court is inclined to enlarge the petitioner on bail. Let the petitioner be enlarged on bail on his furnishing bail bond of Rs.



10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Chief Judicial
Magistrate, Nawada in connection with Sirdalla (Meskaur) P.S.
Case no. 141 of 2020.

(Partha Sarthy, J)

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