

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54642 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

=====

1. Sk Sah Alam @ Shah Alam @ Kajoo Son of Late Sk Chhanguri
Resident of Village-Khanpur P.S.-Pirpanti, District-Bhagalpur

... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 30.03.2016 in connection with S.T. No. 468 of 2016 arising out of Kahalgaon (Rasalpur) P.S. Case No. 34 of 2016 registered for the offence punishable under Section 302,201 read with 34 of the Indian Penal Code.

The prosecution case as alleged by the police personnel is that on information they found a dead body of unknown person thrown in a well along with his clothes and other personal items nearby. Accordingly, a seizure list was prepared.

It has been submitted by the petitioner that he is innocent and not named in the FIR and has been falsely implicated in the aforesaid case only on the ground of suspicion and on his own confessional statement before the police. He submits that nothing has been recovered from his possession and



there is no motive behind the alleged murder of the deceased who was later identified as being driver of a tempo. He further submits that charge sheet has already been submitted hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that during investigation the petitioner's name surfaced hence opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Bhagalpur in connection with S.T. No. 468/2016 arising out of Kahalgaon (Rasalpur) P.S. Case No. 34 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.

(Nilu Agrawal, J)

Prakash/-

U		T	
---	--	---	--

