

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56336 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -SACHIWALAYA District- PATNA

=====

Kishore Kumar @ Raj Kishore Rai son of Late Hridayanand Rai R/o
Mohalla - R. Block near Provident Fund Office, P.S. - Sachivalaya, District
- Patna - 800001. Petitioner

Versus

1. The State of Bihar.
2. The Officer-in-Charge, Sachivalaya Police Station, Patna.
3. Sri Ramnandan Prasad son of Late Yamuna Prasad R/o Mohalla -
Shastri Lane Mithapur 'B' Area, P.S. - Jakkanpur, District - Patna -
800001.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Dr.Ravindra Kumar, APP

=====

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

3 11-02-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Sachivalaya P.S. Case No. 39 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, Sunil Prasad Gupta was assaulted by the
petitioner and others and then he died in the clinic of the Doctor
on 18.04.2015 and First Information Report was lodged on
19.04.2015.

Submission is of false implication due to some
earlier dispute, in post-mortem examination, no external injury
was found, even if, the prosecution story is taken to be true then

also at best, it is a case of Section 304 of the Indian Penal Code, co-accused Jitendra Kumar has already been allowed bail vide order dated 30.01.2016 passed in Criminal Miscellaneous No. 2868 of 2016 and the petitioner is suffering in custody since 20.04.2015. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. fairly submits that similarly situated co-accused Jitendra Kumar has already been allowed bail by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, the petitioner, above named, is also 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 Judicial Magistrate, 1st Class, Patna arising out of Sachivalaya P.S. Case No. 39 of 2015, subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J.)

ajaypd./-

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