

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14959 of 2016

Arising Out of PS.Case No. -765 Year- 2015 Thana -KATIHAR District- KATIHAR

=====

1. Chandan Kumar Poddar Son of Niranjan Poddar Resident of village -
Durgapur Dhobi Tola, P.S. Katihar (Town), District - Katihar

.... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Murlidhar(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Katihar
(Town) P.S. Case No. 765 of 2015 registered for the offence
punishable under Section 302 of the Indian Penal Code.

The petitioner is not named in the first information report
wherein it is alleged that Ashok Poddar, the son of the informant,
was found lying injured having injury in his stomach, then he was
brought for treatment at Sadar Hospital, Katihar from where he
was referred to Medical College where he was declared dead.
During investigation witnesses vide paragraph 22, 23, 24 and 27
have stated that the petitioner was having illicit relationship with
the wife of the deceased and in paragraph 30 it has come that the
wife of the deceased gave telephonic information to the petitioner

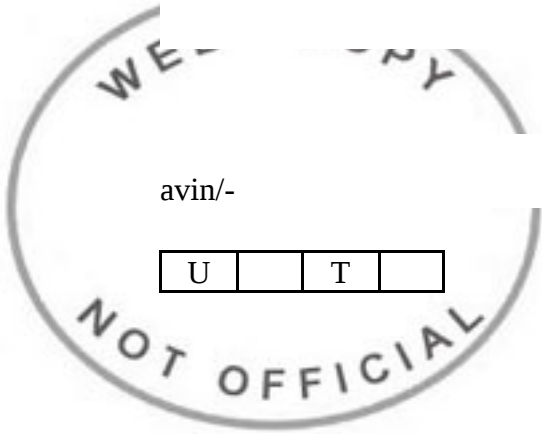
regarding departure of her husband and then from the house of the petitioner two mobiles were recovered and further the petitioner after his arrest has confessed his guilt.

Submission is of false implication and that there is no legal and tangible material against the petitioner, only on suspicion he is suffering in custody since 19.01.2015 and as such he deserves sympathetic consideration.

Learned APP submits that the witnesses have suspected the hands of the petitioner and the wife of the deceased in the crime and further the petitioner has confessed his guilt.

In the facts and circumstances stated above, considering the custody of the petitioner and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is 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 Chief Judicial Magistrate, Katihar in connection with Katihar (Town) P.S. Case No. 765 of 2015, 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.



(Jitendra Mohan Sharma, J)