

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43824 of 2016

Arising Out of PS.Case No. -170 Year- 2014 Thana -GAURICHAK District- PATNA

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1. Govind Kumar
 2. Raushan Kumar, both are Sons of Sri Abhay Singh @ Abhay Kumar resident of village - Daulatpur, Police Station Gaurichak, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-11-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in custody since 29.06.2014 in connection with Gaurichak P.S. Case No. 170/14 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the father of deceased, is that the petitioners along with other co-accused killed the son of the informant.

Petitioners had earlier moved the bail application vide Cr. Misc. No. 46237 of 2014, which was rejected on 03.03.2015 on the basis of the statement of one Khusboo Kumari



made under Section 164 Cr.P.C. The petitioners again moved for bail in Cr. Misc. No. 45486 of 2015, which was withdrawn on 24.09.2015 and the learned court below was directed to proceed with the trial and conclude the same within nine months from the date of receipt/ production of a copy of the order.

It has been submitted by the learned counsel for the petitioners that they are innocent and it was on the basis of the statement of one Khusboo Kumari under Section 164 Cr.P.C. that the petitioners have been implicated for the said offence. He further submits that the said Khusboo Kumari had retracted from her earlier version in her subsequent statement, which the petitioner has filed by way of supplementary affidavit, wherein she has stated that she does not know the deceased and the accused have not committed the said offence. It has further been submitted that the charge-sheet has already been submitted and trial commenced, hence, release of the petitioners from custody would not adversely affect their trial.

Learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the period of custody, let petitioners, above named, be enlarged on

bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City in connection with Gaurichak P.S. Case No.170/14.

This direction of bail is further subject to the condition that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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