

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51138 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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Gunjesh Kumar @ Gunjan Singh @ Gunjesh Kumar Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner, learned counsel

appearing on behalf of the mother of the deceased and the learned

A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.06.2016 in connection with sessions Trial No. 623 of 2016+
Sessions Trial No. 489 of 2016 (arising out of Shahkund P. S.
Case No. 16 of 2016) registered for the offences punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

The prosecution case was lodged against unknown by
the police after recovery of a dead body. Hence, during course of
investigation, the name of the petitioner along with other accused
persons surfaced.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the



aforesaid case. It has further been submitted that the name of the petitioner surfaced on 03.06.2016 on the statement of one of the witnesses, who has seen the deceased in the company of the petitioner along with three other persons. He submits that the mother of the deceased had disclosed that the deceased left the house with one Gautam Singh and the petitioner was not named by the mother of the deceased. He also submits that the statement of the witnesses have been recorded after merely five months of the alleged occurrence. He further submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that on similar allegation one Amresh Kumar Sharma has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 44716 of 2016.

However, learned counsel appearing on behalf of the mother of the deceased submits that the body was identified by her and another co-accused namely, Dablu Singh @ Sonu, his bail application has already been rejected by a Co-ordinate Bench of the Court in Cr. Misc. No. 25615 of 2016 dated 13.07.2016, hence, opposes the prayer for bail.

Learned A.P.P. for the State also opposes the prayer for bail.



Considering the facts and circumstances and the submission of the parties and that the allegations against the petitioner is similar to that of co-accused Amresh Kumar Sharma, who has been granted bail and also the fact that the petitioner has no criminal antecedent, 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 Additional District and Sessions Judge-VI, Bhagalpur in connection with Sessions Trial No. 623 of 2016 + Sessions Trial no./ 489 of 2016 (arising out of Shahkund P.S.Case No. 16 of 2016).

It is however directed that the trial be taken up and concluded expeditiously by the learned Court below and the petitioner will file an affidavit before the Court below that he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

(Nilu Agrawal, J)

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