

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50097 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Sudhir Kumar @ Sudhir Kushwaha Son of Jai Prakash Kushwaha,
Resident of Village- Bijbani, P.S.- Jitna, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
05.08.2016 in connection with Ghorasahan P.S. Case No. 82 of
2016 registered for the offence punishable under Sections 302/201
of the Indian Penal Code.

The prosecution case, as lodged by the Sub-Inspector
of Police, is that a dead body of 20-22 years old lady was found
wrapped in a blanket floating in the pond.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, not named
in the FIR and has been falsely implicated in the aforesaid case.
He submits that there was no motive behind the murder of the lady



and lady died as she committed suicide and in the confessional statement of one of the co-accused, which is at paragraph 106 of the case diary, has confessed his complicity in the aforesaid offence and the petitioner was just a friend of other co-accused which he has stated in the confessional statement. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that some of the witnesses have supported that deceased committed suicide. He further submits that after about four months of the alleged occurrence, the petitioner has been arrested on the basis of statement of the co-accused.

However, learned A.P.P. for the State submits that the petitioner has been found to be associated in the aforesaid offence, hence, opposes the prayer for bail.

Be that as it may, since 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 Sub Divisional Judicial Magistrate, Sikrahana at Dhaka in connection with Ghorasahan P.S.Case No.82 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient



immovable properties within the jurisdiction of the concerned police station/ Court and the petitioner will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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