

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22749 of 2016

Arising Out of PS.Case No. -236 Year- 2015 Thana -BARSOI District- KATIHAR

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1. Bhawesh Goswami S/o Late Mahendra Goswami R/o Maulanapur PS
Barsoi, Dist Katihar. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Barsoi P.S. Case No. 236 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, Gohalu Sharma, the husband of the informant, has developed illicit relationship with co-accused Buchiya Devi and most of time he used to reside with Buchiya Devi. The husband of the informant was of criminal nature and due to some dispute the petitioner and Buchiya Devi killed him with brick and stone.

Submission is of false implication and that the informant is not an eye witness of the occurrence, no witness has come forward to state regarding the hand of the petitioner in actual killing, as a matter of fact the deceased was in drunken condition and he pushed the petitioner and then the petitioner also pushed him, resulting, he fell down on stone and thereafter, he succumbed to the injury, no other injury has been

found on the other parts of the body of the deceased save and except on the side of the head and as such the petitioner who is suffering in custody since 11.10.2015 deserves sympathetic consideration, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP submits that the petitioner is named in the first information report.

In the facts and circumstances stated above, considering that 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 Additional Sessions Judge V, Katihar in S. T. No. 31 of 2016 arising out of Barsoi P.S. Case No. 236 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)

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