

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50785 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Ashok Rajak, son of Late Rohin Rajak, resident of Mohalla Burahnath, P.S.
Adampur, District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since 22.01.2016 in connection with S.Tr. No. 234/2016(C), arising out of Bhagalpur Kotwali P.S. Case No. 223/15, for offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code, but subsequently Section 302 I.P.C. was also added.

The prosecution case is that the informant's father, who was a guard in the said hotel, was killed by the petitioner, who was a staff of the hotel, along with two other staffs.

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal history and has falsely been implicated in the aforesaid offence. He

submits that although there is allegation against the three persons, but there is only one injury and the allegation upon the petitioner is highly improbable. He further submits that the charge-sheet has already been submitted, hence, there is no question of tampering with the evidence.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the material available, it does not reveal that the petitioner's liberty of bail would adversely affect his trial, hence, in the interest of justice, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV, Bhagalpur, in connection with S.Tr. No. 234/2016(C) Bhagalpur Kotwali P.S. Case No. 223/15.

This direction of bail is further subject to the condition that the petitioner 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.

Rajesh/-

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(**Nilu Agrawal, J.**)