

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48950 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -BARHARA District- BHOJPUR

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1. Jeetu Singh Son of Hira Nand Singh resident of village - Chhotaki Etahana, Police Station Krishna Garh (Barahara), District Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 08.07.2016 in connection with Barhara (Krishnagarh) P.S.Case No. 189 Of 2016 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the petitioner along with other accused committed murder of Gupteshwar Singh, son of the informant by means of lathi, danda and rod.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case due to previous enmity between the deceased,



Gupteshwar Singh and another accused, Prem Chand singh, whose nine years old son Abhishek Kumar was killed by the deceased and was in jail custody in which case the petitioner was a witness. It has further been submitted that allegation is upon five persons vicariously killing the deceased but there are only two injuries found in the Post mortem report which can not be specifically attributed to the petitioner. He submits that independent witnesses are also not an eye witness to the occurrence and merely taken the name of the petitioner and another as they have known from the villagers. He further submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that from the case diary, independent witnesses have also supported the prosecution case, hence opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted and from the materials available, it does not reveal that the bail of the petitioner will adversely affect the trial, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Krishna



Garh (Barahara) P.S.Case No. 189 of 2016, subject to the conditions that one of the bailors must be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court and that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled. This is subject to the further 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 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 bail application is allowed.

(Nilu Agrawal, J)

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