

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42058 of 2016

Arising Out of PS.Case No. -916 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Raushan Kumar @ Raushan Kumar Singh Son of Anjani Kuamr Singh
Resident of Village-Dumari Kala Dangraha, P.S. Majorganj, District
Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-11-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 26.07.2016 in a
case registered for offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

The prosecution case is that the son of the informant
Chandan Kumar had gone for his personal work but did not return
back. The next day, the informant was informed on mobile that his
son has been murdered and his dead body was lying in Sadar
Hospital, Sitamarhi and motorcycle was thrown on the road.

It has been submitted by the learned counsel for the
petitioner that he is innocent and the F.I.R. has been lodged



against unknown and there is no material against him and it is only on the basis of suspicion that the petitioner has been made accused. He further submits that he has no criminal history and charge sheet has already been submitted against him, hence, there is no chance of tampering with the prosecution witnesses. He further submits that another co-accused, who has been named by the witnesses, has since been granted privilege of bail by a Co-ordinate Bench in Cr. Misc. No. 13648 of 2016 dated 12.04.2016. He submits that except suspicion, there is nothing against the petitioner's involvement in the present case.

Learned A.P.P. for the State submits that witnesses have supported the prosecution case as there was some money transaction between the petitioner and deceased, hence opposes the prayer for bail.

Having considered the facts and circumstances and the materials on record as well as that another co-accused on similar allegation has been granted the privilege of bail by this Court and that charge sheet has already been submitted against the petitioner, hence, further detention of the petitioner does not reveal that his trial would be adversely effected, hence, in the interest of justice, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like

amount each the to the satisfaction learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S.Case No. 916 of 2015 with a condition that one of the bailor would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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