

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28178 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -MANER District- PATNA

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1. Babloo @ Badri Kumar Son of Bishwanath Rai, Resident of Village-
Jhunjhun Wala Road, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 20.02.2017 in
a case registered for offences punishable under Sections 302, 120
(B)/34 of the Indian Penal Code.

The complainant (mother of the deceased, Guddu
Kumar) has lodged a complaint case in the Court of learned
S.D.J.M., Danapur bearing Complaint Case No. 1263 (C)/2016
later on converted to Maner P.S.Case No. 55/2017 alleging that
Chandan Kumar and Vishal Kumar took her son from the house
and thereafter, she got information through Pintu Kumar, friend
of deceased, that her son has been killed.

It is submitted by the learned counsel for the petitioner



that the petitioner is not named in the F.I.R. and only on the basis of confessional statement of co-accused Raushan Kumar @ Machhiya, his name has surfaced. He submits that the allegation is upon co-accused, Chandan Kumar. He further submits that he being a friend of the co-accused he has been falsely implicated in the aforesaid case and that charge sheet has been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing on behalf of the informant submits that the petitioner has been named by the co-informant in the Complaint case that the petitioner along with others have killed the son of the informant and confessional statement of accused supports the prosecution story, hence, opposes the prayer for bail.

Learned counsel for the State also opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur in connection with Maner P. S. Case No. 55/ 2017,



, subject to the conditions that one of the bailors would be a close relative of the petitioner and the petitioner will 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 bonds.

(Nilu Agrawal, J)

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