

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33637 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -GOPALPUR District- PATNA

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1. Ram Pravesh Kumar, S/o Shankar Yadav @ Shankar Prasad, resident of Nandlal Chhapra, P.S. Ramkrishna Nagar, Dist- Patna.
2. Deelip Ram @ Dilip Ram, S/o Karu Ram, resident of Karai Parsurai, P.S.- Karai Parsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Gopalpur P.S.
Case No. 06 of 2017 for offences punishable under Sections 363
and 365 of the Indian Penal Code and later on Sections 302, 201
and 120-B of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is
that he along with his brother and some other persons, who were
engaged as daily laborers, had gone for fishing. They had scuffle
with some un-known persons, thereafter, the informant and
others fled away but his brother did not return and was traceless.



It has been submitted by the learned counsel for the petitioner that he has been made accused during investigation after recovery of the dead body of the informant's brother and it is only on the basis of confessional statement of the accused, made before the police, which has not evidentiary value in the eye of law that the petitioners have been made accused. He submits that one of the co-accused, who had also given the confessional statement, has since been granted the privilege of bail by a co-ordinate Bench of this Court in Criminal Misc. No. 15618 of 2017 on 15.05.2017 and other co-accused have also been granted privilege of bail by this Court. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioners and are languishing in judicial custody since 21.01.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum-Additional Chief Judicial Magistrate, Patna, in connection with Gopalpur P.S. Case No. 06 of 2017, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioners will not induce any witness or tamper with the evidence.

(iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

(Nilu Agrawal, J)

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