

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24607 of 2017

Arising Out of PS.Case No. -555 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. SAROJ PRAJAPATI Son of Sri Ram Sagar Prajapati Resident of
Village- Dandwash, P.S. Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No-1

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with Mohania P.S.Case No.555 of 2016 registered for offences punishable under Sections 364, 302, 201, 120B/34 of the Indian Penal Code.

The petitioner is named in the F.I.R. and the case is under Section 302 of the I.P.C.

It is submitted on behalf of the petitioner that he has been made accused in this case only on the basis of suspicion, stating that the petitioner has illicit relationship with the wife of the deceased and except that there is nothing against him. Thereafter, the wife of the deceased was arrested and she disclosed name of three accused persons including the petitioner but other accused



persons have been granted bail by this Court, vide order dated 29.3.2017 passed in Cr. Misc. No.14389 of 2017 and order dated 15.5.2017 passed in Cr. Misc. No.14738 of 2017. As such, except suspicion, there is nothing against the petitioner and he is in custody for about seven months.

Heard learned A.P.P., who has opposed the prayer for bail stating that from the materials, which came during the course of investigation, it will appear that there was long talk between the wife of the deceased and this petitioner prior to occurrence and the petitioner has illicit relationship with the wife of the deceased.

Having heard both sides and in view of the fact that the petitioner has been made accused in this case only on the basis of suspicion only and the other two accused persons have been granted bail by this Court, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Bhabhua, District- Kaimur in connection with Mohania P.S.Case No.555 of 2016 instituted on 02.12.2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper



with the evidence.

- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his 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 his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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