

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35036 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -DIGHA District- PATNA

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1. Jitendra Kumar, son of Lal Babu Rai, resident of New Panchvati Nagar,
Bhatha Road, Police Station- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Digha P.S.
Case No. 52/2017 for offences punishable under Sections 302/34
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son was taken away by the petitioner and thereafter he
received phone call from one co-accused Bablu Paswan that his
son and two other persons including the petitioner are lying near
Digha canal in an injured condition. The informant on search
found the petitioner and one Birju Paswan in an injured condition
and the body of the informant's son Santosh Kumar Singh was



found near the railway station and while bringing him to the hospital he succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case only on the basis of suspicion. He submits that he was also injured and one of the co-accused, namely, Birju Paswan has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36737 of 2017 on 30.08.2017. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner, he is languishing in custody since 16.03.2017 and there is no circumstantial evidence against him.

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

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna, in connection with Digha P.S. Case No. 52/2017, subject to the conditions that :



- (i) One of the bailors shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) Petitioner shall cooperate in trial and appear in court on each and every date fixed and on failure to appear without any genuine ground without permission of court, his bail bond shall be cancelled.

(Nilu Agrawal, J)

Rajesh/-

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