

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45302 of 2017

Arising Out of PS.Case No. -268 Year- 2016 Thana -WARSALIGANJ District- NAWADA

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1. Rahul Kumar, Son of Dilip Kumar, Resident of village- Mai, P.S. Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-11-2017 The petitioner seeks regular bail in connection with Warsaliganj P.S. Case No. 268 of 2016, registered for offences punishable under Section 302/201 of the Indian Penal Code.

Allegation against the petitioner is of killing the grand son of the informant.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R, his name transpired on confession of co-accused and except that there is no material available on record to show the involvement of this petitioner and he has been in judicial custody since 11.04.2017 and other co-accused has already been enlarged on bail by this Court vide order dated 18.10.2017 passed in Cr. Misc. No. 50302 of 2017.

Learned counsel for the State as well as learned counsel



for the informant opposed the prayer for bail, however, they could not controvert the fact that save and except confession of co-accused and last seen theory, there is nothing against the petitioner. Further it has been submitted that in this case trial has commenced and one witness has already been examined.

Having heard both sides, considering the facts and circumstances of the case and also the fact that another co-accused has already been enlarged on bail, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-II, Nawada, in connection with Warsaliganj P.S. Case No. 268 of 2016, subject to the 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 cooperate in the disposal of trial and make himself available on each and every date and on the event of failure on



his part to appear before the court below, the
prosecution will be free to move for
cancellation of his bail.

Further, the trial court is directed to expedite the trial and
try to conclude it within a period of seven months even by
conducting the trial on day to day basis.

(Vinod Kumar Sinha, J)

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