

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47650 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -BHORE District- GOPALGANJ

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Kailash Singh Son of Ramashrai Bhagat Resident of village- Panditpura,
Police Station- Bhore, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sessions Trial
No. 360 of 2017 arising out of Bhore P.S. Case No. 59 of 2017 for
offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he and his wife after having dinner were sleeping, four
persons including the petitioner starting knocking the door.
Specific allegation upon the petitioner is of firing on the
informant's wife on close range on the temporal region who
succumbed to the injury.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the



aforesaid case. He submits that eye witness was the informant himself who did not have good relations with his wife and a case under Section 498A I.P.C. had been lodged against him by the wife. The informant was residing at Pune and had solemnized second marriage. He submits that apart from the informant, there is no eye witness to the alleged occurrence rather independent witness at para-6, 7 and 8 of the case diary some of whom have seen the informant with Katta in his hand casts doubt in the whole prosecution story. He submits that the petitioner is languishing in custody since 04.03.2017 and it was the father of the petitioner who had compromised the matter earlier between the informant and his deceased wife, as such out of personal enmity the petitioner along with family members have been made accused. It is further submitted that the petitioner was arrested from his house by the police.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as three cases are pending against him some for serious offence.

Considering the facts and circumstances and the materials on record as well as from perusal of the case diary, 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 Additional Sessions Judge-I, Gopalganj in Sessions Trial No. 360 of 2017 arising out of Bhore P.S. Case No. 59 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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