IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49395 of 2017

Arising Out of PS.Case No. -20 Year- 2016 Thana -ITARHI District- BUXAR

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Pawan Singh, Son of Gorakh Nath Singh, Resident of Village-Jail Road, Sumeshwar Sthan, Buxar, P.S.-Buxar (Town), District-Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brajesh Kumar, Advocate
For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **17-10-2017** Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Itrhi P.S. Case No. 20 of 2016 registered under Sections 302/34 of the Indian Penal Code.

Counsel for the petitioner submits that the informant as per the FIR is not an eye-witness of the occurrence and that merely on suspicion he has named certain persons and out of them, one of the suspected accused namely Aman Singh, has in his confessional statement disclosed the name of the instant petitioner. He further submits that except the said statement there is nothing on record to show the involvement of the petitioner in the instant case. He also submits that though there are other cases

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pending against him which has been disclosed in para 3 of the petition but he has no concern with the instant case.

In the facts and circumstances of the case, prayer for bail of the petitioner in the instant case is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Fast Track Court 1st, Buxar in Sessions Trial No. 94 of 2017 subject to the conditions :

(i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so

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on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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