

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51937 of 2016

Arising Out of PS. Case No. -101 Year- 2015 Thana -SILAO District- NALANDA (BIHARSHARIFF)

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Anil Prasad S/o Mohan Prasad, Resident of village - Dularua Bigha, P.S. Silao, District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar No.1, Advocate

For the State : APP

For the Informant : Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 20-02-2017 Heard learned counsel for the petitioner and learned APP for the State assisted by learned counsel for the informant.

2. The petitioner is in custody since 28.03.2016 in connection with S. T. No. 517 of 2016 arising out of Silao P.S. Case No. 101 of 2015 for the alleged offences under Sections 302, 201, 129(3) and 34 of the Indian Penal Code

3. It is submitted that the petitioner being the uncle of the deceased girl has been falsely implicated and in fact, her body has not properly been identified by anyone except the informant himself. It is further submitted that there is no eye-witness to the alleged occurrence. Investigation has since been completed and charge sheet has already been submitted, and there is no chance of tampering with the evidence.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* have opposed the prayer for bail in view of the confessional statement of the petitioner admitting his role in the crime. It is further submitted that the petitioner has criminal antecedents.

5. Having regard to the entirety of the facts and



circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned 7th Additional District Judge, Bihar Sharif, Nalanda in connection with S. T. No. 517 of 2016 arising out of Silao P.S. Case No. 101 of 2015 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence.

(iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

B.T/Chandran

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