

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25926 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -KADIRGANJ District- PATNA

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Hulash Prasad Son of Late Chamari Prasad, Resident of Village- Baribigha,
P.S.- Kadirganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
24.12.2016 in connection with Sessions Trial No. 273 of 2017
arising out of Kadirganj P.S. Case No. 103 of 2016 registered for
the offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the son of the
deceased Yugal Prasad, is that one Niranjana Kumar had killed his
brother in the year 2015 for which his father had lodged a case
against Niranjana Kumar and his associates. Said Niranjana Kumar
was pressurizing him to withdraw his case and threatened him
with dire consequences. On 24.12.2016 said Niranjana Kumar



along with brother Maina and other accused persons, including the petitioner came and fired on his father, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case by the informant as also in the earlier case just because he is co-villager of the said Niranjana Kumar. It has further been submitted that neither any overt act has been alleged against the petitioner nor shot has been fired by him and there is specific allegation of firing against Niranjana Kumar and his brother Maina. It has further been submitted that the petitioner is an old person of 70 years and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was a member of the unlawful assembly.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII, Patna in connection with Sessions Trial No. 273 of 2017 arising out of Kadirganj P.S. Case No. 103 of 2016, subject to the condition that one of the bailors



would be a close relative of the petitioner, who would file an affidavit stating his relation with the petitioner and that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court. Petitioner will also appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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