

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26506 of 2017

Arising Out of PS.Case No. -470 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Shankar Kumar @ Rahul Wife of Bhagwan Singh R/o Village + P.O.-
Singhara, P.S.-Dulhin Bazar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indra Mohan Kumar

For the Opposite Party/s : Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-07-2017 This application is for grant of regular bail in connection with Town (Hazipur) P.S. Case No. 470 of 2016 registered for the offence(s) under section(s) 302 of the Indian Penal Code and 27 of the Arms Act and later on, sections 120(B)/34 of the Indian Penal Code has been added.

It appears from the record that earlier the petitioner has moved before this Court in Criminal Misc. No. 853 of 2017, which was dismissed for default on 17.03.2017 and against that the present case has been filed.

Submission of the learned counsel for the petitioner that earlier the case was not dismissed on merit rather it was dismissed for default as nobody appeared and so far merit of this case is concerned, except confessional statement of co-accused,



there is nothing against the petitioner and the co-accused has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 44349 of 2016 on 20.11.2016 and the petitioner is in custody for about one year.

Heard learned Additional Public Prosecutor also. Learned Additional Public Prosecutor opposes the prayer of bail.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Hazipur (Vaishali) in connection with Town (Hazipur) P.S. Case No. 470 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 as and when required by the court and on the event of failure on his part to appear before the court below on



two consecutive dates without showing any genuine rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

Mahesh/-

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