

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47314 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Munna Kumar @ M. P . Raj @ Munna Prasad Son of Bakhori Prasad, R/o
Village- Satbarhari Dharampur, P.S.- Chandi, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
03.07.2017 in connection with Chandi P.S. Case No. 37 of 2017
for offences punishable under Sections 302. 201/34 of the Indian
Penal Code.

The complaint case which was later on registered as
P.S. Case under Section 156 (3) of the Cr.P.C., is that the wife of
the deceased Sobha Kumari with her paramour, the petitioner, has
killed his son Manish Kumar and also threatened his younger son.

It has been submitted by the learned counsel for the
petitioner that he is innocent, alleged to be paramour of the
complainant's daughter-in-law Sobha Kumari and has been made



accused only on suspicion. He submits that the prosecution story has been supported by interested witnesses and that the body of Manish Kumar has not yet been recovered. He submits that the deceased was a person of dubious character as one Arti Kumari had lodged F.I.R. against the deceased being Chandi P.S. Case No. 47 of 2013. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State oppose the prayer for bail stating therein that the petitioner was the paramour of the wife of the deceased, independent witnesses have also supported the prosecution case and till now the dead body of the deceased has not been recovered.

Considering the facts and circumstances and the materials on record, 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 Judicial Magistrate 1st Class, Hilsa, Nalanda in connection with Chandi P.S. Case No. 37 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will



file an affidavit stating his 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.
- (3) The petitioner will also appear before the concerned police station in the first week of every month till six months, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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