

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20696 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Sunil Kumar, Son of Sri Rajendra Prasad, Resident of Village- Etahara,
P.S.- Ariyari, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate
Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-06-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
29.01.2017 in connection with Sheikhpura P.S. Case No. 16/17 for
offences punishable under Sections 302/34 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that the deceased Ujjwal Raj being the junior
engineer was forced to fill in the measurement book by the
Mukhiya, Panchayat Rojgar Sewak and other persons illegally.



The informant, however, reached at the place of occurrence, found the deceased Ujjwal Raj lying on the gate of Mariya Ashram, who was injured by fire-arm injury and was boarded on a jeep and brought to the hospital and during course of journey he disclosed the name of the petitioner, who had called him by telephone and other accused persons including Nandan Yadav, who had fired on him. At the hospital the deceased succumbed to the injury, hence, his fardbeyan could not be recorded.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act was committed by the petitioner and he was not in the knowledge of said occurrence. He submits that he has falsely been implicated just because he was a Panchayat Rojgar Sewak in the said panchayat and the main assailant is Nandan Yadav and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that one of the co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 17028 of 2017 on 04.05.2017.

However, learned APP for the State submits that the witnesses including the wife of the deceased have also named the petitioner to have been there at the place of occurrence, hence,



opposes the prayer for bail.

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 Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 16/17, subject to the condition that the petitioner will appear before the learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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