

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34371 of 2017

Arising Out of PS.Case No. -76 Year- 2017 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Mathura Prajapati Son of Late Badriya Kumhar @ Badriya Prajapati,
resident of Village- Sendura, P.S.- Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Chand P.S.
Case No. 76 of 2017 for offences punishable under Sections 302,
201/34, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his uncle, who had gone to the field and slept there in the
night, was found in the morning with slit throat. It is alleged that
he has been killed by the petitioner and other accused persons
because of land dispute.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and except
suspicion there is no eye-witness to the alleged occurrence. He



submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that one of the co-accused, on similar circumstances, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 31273 of 2017 on 11.07.2017 and petitioner is in judicial custody since 09.05.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is named in the First Information Report.

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, Kaimur at Bhabua, in connection with Chand P.S. Case No. 76 of 2017, subject to the conditions that :

- (i) 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.
- (ii) 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.

(Nilu Agrawal, J)

Rajesh/-

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