

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43848 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -AJIMABAD District- BHOJPUR

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Niraj Kumar Singh Son of Jitendra Singh, R/o Village- Fulari, P.S.-
Sandesh, Disrict- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Priyank Deepak, Adv.

For the Opposite Party/s : Mr. Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 08.04.2017 in
connection with Ajimabad P.S. Case No. 07 of 2017 for offences
punishable under Sections 302, 201, 120(B)/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his brother Upendra Kumar (deceased) had gone in his Zylo
car and informed in his mobile that he is going with the co-
accused Ranjen Kumar to attend a birthday party thereafter he did
not return. The dead body of the informant's brother Upendra
Kumar was subsequently found in an orchard which was taken by



the police for postmortem.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case only on the basis of suspicion and on the basis of confessional statement of co-accused Kanhaiya Kumar who confessed his guilt of killing the informant's brother Upendra Kumar. He submits that just because the mobile of the deceased bearing IMEI number was in the possession of the petitioner and he was on friendly terms with Kanhaiya Kumar, he has been made accused in the present case. 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 APP for the State 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 First Additional District and Sessions Judge, Bhojpur, Ara in connection with Ajimabad P.S. Case No. 07 of 2017, subject to the



conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their 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.

(Nilu Agrawal, J)

Devendra/-

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