

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -BARHARA District- BHOJPUR

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Arvind Singh, Son of Radha Mohan Singh, resident of village - Chhotaki Etahana, Police Station Krishna Garh (Barahara), District - Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-03-2017 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 08.07.2016 in connection with Barhara (Krishnagarh) P.S. Case No. 189 of 2016 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that petitioner along with other accused committed murder of Gupteshwar Singh, son of the informant by means of Dab, lathi, danda and rod.

It has been submitted by the learned counsel for the petitioner that he is innocent, has not committed any offence and has been falsely implicated in the aforesaid case due to previous



enmity. It has further been submitted that the petitioner has no criminal history and just because he was the nephew of Prem Chand Singh, he has been made accused. It is further submitted that there are allegations upon five persons and the postmortem report indicates only two injuries on the deceased, which does not specifies which injury is attributable to whom. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that another co-accused on similar allegation has since been granted the privilege of bail by this Court in Cr. Misc. No. 48950 of 2016 on 23.12.2016.

However, learned counsel for the informant submits that final form has been submitted against three accused, but the petitioner along with one another has been chargsheeted. He further submits that accused persons committed very heinous nature of crime, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Krishnagarh) P.S. Case No. 189 of 2016, subject to the condition that one of the bailors must be close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and that the petitioner will file an undertaking duly supported by his personal affidavit before the learned Trial Court and he will appear physically before the Court below on each and every date till disposal of the case and in case of failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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