

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28932 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -SIKANDARA District- JAMUI

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1. Triloki Kora Son of Mangal Kora, Residnet of Village- Dhawatanr, P.O.-
Mathurapur, P.S.- Sikandra, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.07.2016 in connection with S.T. No. 255 of 2016 arising out of
Sikandra P.S. Case No. 90 of 2016 for offences punishable under
Sections 364/34 of the Indian Penal Code and later on Section 302
and 201 of the IPC have been added.

The prosecution case, as lodged by the wife of the
deceased Dinesh Mahto is that her husband had gone out of the
house after taking money for re-fueling of motorcycle but did not
return.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal
antecedent, not named in the First Information Report and is



languishing in judicial custody since more than a year and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He further submits that the confessional statement of co-accused made before the police has got no evidentiary value in the eye of law. He submits that other co-accused of similar circumstances have been granted privilege of bail by co-ordinate Benches of this Court in Cri. Misc. No. 24259 of 2017 on 24.5.2017 and Cri. Misc. No. 32074 of 2017 on 24.07.2017.

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 A.D.J.-II, Jamui, in connection with S.T. No. 255 of 2016 arising out of Sikandra P.S. Case No. 90 of 2016, subject to the following conditions:

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or



tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

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(Nilu Agrawal, J)

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