

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29131 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -DHOLBAJJA District- BHAGALPUR

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1. Pintu Singh Son of late Parkash Singh Resident of Village Miltola,
Naugachia, P.S.- Naugachia, District- Bhagalpur(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 16.11.2016 in connection with Sessions Trial No. 423/2017, arising out of Dholbazza P.S. Case No. 49/2016 for offences punishable under Sections 302/120-B, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the son of the deceased, is that while in the evening his father was sitting on the verandah along with friends co-accused Nanhku Ram was passing from there many times, which raised suspicion. Thereafter co-accused Chhotu Singh along with the petitioner came on a



motorcycle and accused Chhotu Singh fired initially and thereafter petitioner also fired, resultantly his father succumbed to the injuries. Cause of enmity is that the informant's father was erstwhile Mukhiya and some land had been bought by the co-accused Chhotu Singh to which he wanted from the informant's father to get free from encroachment in the panchayat, which was not being done by the informant's father and that is the reason behind the killing.

It has been submitted by the learned counsel for the petitioner that he is innocent, has falsely been implicated in the aforesaid case and that inquest and the post mortem report specify only one gun shot injury and the informant and his mother, wife of the deceased, have also stated that gun shot injury was caused by Chhotu Singh. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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 1st Addl. District and Sessions Judge, Naugachia, Bhagalpur, in connection with Sessions Trial No. 423/2017, arising out of Dholbazza P.S. Case No. 49/2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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