

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43226 of 2017

Arising Out of PS.Case No. -45 Year- 2010 Thana -JAMALPUR District- MUNGER

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KARE SINGH @ KARAKA SINGH @ KARU SINGH, S/o Sri Bharat Singh, Resident of Village- Rampur, P.S.- Jamalpur, Distt- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shree Ganesh

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 29.11.2016 in connection with Sessions Trial No. 57 of 2017 arising out of Jamalpur P.S. Case No. 45 of 2010 for offences punishable under Sections 364/34 of the Indian Penal Code. Later on charge-sheet has been submitted under Section 364, 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her son along with another friend went from the house at 9 PM on 01.06.2010 and did not return. Earlier there were altercation with her son and other accused persons who had threatened her son. Thereafter dead body of the informant's son



Ashish Kumar Sinha @ Polar and Lallu was recovered from Dakra Nala.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he is not named in the F.I.R. and witnesses have stated that he was seen along with other accused persons but it is only on the basis of confessional statement of Sonu Singh before the police which has no evidentiary value in the eye of law that he has been made accused. He submits that he was in West Bengal (Calcutta) during date of occurrence and he was not seen with the petitioner. He submits that another accused has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18409 of 2015 on 09.09.2015 and that he is languishing in judicial custody since nearly one year.

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. 1st Munger in connection with Sessions Trial No. 57 of 2017 arising out of Jamalpur P.S. Case No. 45 of 2010, 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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