

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42241 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -PAROO District- MUZAFFARPUR

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Binod Kumar Son of Mahesh Das, R/o Village- Bahadinpur, P.S.- Paru,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Verma

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.02.2017 in connection with Paroo P.S. Case No. 14 of 2017 for
offences punishable under Sections 302/34/120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother Amrendra Kumar @ Amar Bhagat
had gone to the Block for inauguration ceremony he was called by
some body by phone thereafter he heard that his brother Amrendra
Kumar @ Amar Bhagat had been killed by firearms. It is alleged
that one Raju Singh and his accomplice have killed the
informant's brother out of political rivalry and civil dispute.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, not named in the F.I.R. and that his name surfaced only on his own confessional statement before the police which has no evidentiary value in the eye of law. It is alleged that the petitioner was in the motorcycle of the said Raju Singh who had fired on the deceased. He submits that no firing has been done by the petitioner and 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 stating therein that the petitioner's name surfaced on the confessional statement of Raju Singh and his own confessional statement.

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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Paroo P.S. Case No. 14 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will



file an affidavit stating his 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)

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