

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18929 of 2017

Arising Out of PS.Case No. -264 Year- 2016 Thana -GARKHA District- SARAN

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Jawed @ Jawed Akhter, son of Inayat Miya, resident of Village- Chintaman ganj, P.S.- Garkha, District- Saran, Chapra.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-04-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Garkha P.S.Case No. 264 of 2016 registered for the offences punishable under Section 304 of the Indian Penal Code.

Allegation against the petitioner and other co-accused persons is that they have taken the deceased along with others for swimming and left the deceased in the mid of river and he fell down from the tube and due to which he died.

It has been submitted on behalf of the petitioner that in course of investigation one of the witnesses has stated that petitioner tried to save the deceased and further it has been submitted that petitioner is a cancer patient and he is regularly going to Lucknow for treatment.

Heard learned APP also, who has opposed the prayer for bail.

Having heard both sides and in view of the fact that though there is direct allegation against the petitioner but he is



suffering from cancer, which is evident from Annexure-2, and he has to go to Lucknow on monthly basis for his treatment, as submitted, as such, in exceptional circumstance, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri D.K.Mishra, ACJM, Saran at Chapra, in connection with Garkha P.S.Case No. 264 of 2016, G.R.No. 5549 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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