

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25563 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -DAUDNAGAR District- AURANGABAD
=====

1. Shaktiman Kumar Son of Sri Narayan Lal , Resident of Village- Arayee,
P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Tiwari
For the Informant : Mr. Abhishek Kuamr Singh
For the Opposite Party/s : Mr. Pranav Kumar
=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with Daudnagar P.S.Case No.164, registered for offences punishable under Sections 323, 324, 326, 307 & 302/34 of the Indian Penal Code.

The allegation, as per F.I.R., against the petitioner is that he along with the other co-accused persons caught hold the deceased and another co-accused repeatedly stabbed the deceased.

Submission of the learned counsel for the petitioner is that though there is allegation in the F.I.R. that he caught the deceased but the informant in his re-statement has not stated so and in several paragraphs, the witnesses have not stated so and there is no allegation against this petitioner. The petitioner is in custody for about five months.

Heard learned A.P.P. and the learned counsel for the



informant. The learned counsel for the informant has opposed the prayer for bail stating that there is active involvement of this petitioner also.

Having heard both sides and in view of re-statement of the informant that there is no active involvement of the petitioner, in such view of the matter, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad, in connection with Daudnagar P.S.Case No.164 of 2016 dated 30.9.2016.

With 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 co-operate 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.

(Vinod Kumar Sinha, J)

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