

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43238 of 2017

Arising Out of PS.Case No. -294 Year- 2017 Thana -BODHGAYA District- GAYA

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Banty Raj Gupta, Son of Pardeep Parsad, Resident of Village- Bankey Bazar, P.S.- Bankey Bazar, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Bodh Gaya P.S. Case No. 294/2017, G.R. No. 2835/17 for offences alleged under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his younger brother Chandra Kumar (deceased) was driver and was residing on rent in the house of one Suresh Yadav. He got information that his brother Chandra Kumar was in serious condition and on arriving, he found Chandra Kumar in a pool of blood and stab blows on his back, abdomen and head, who was declared dead.

It has been submitted by the learned counsel for



petitioner that he is innocent not named in the F.I.R. and bears no criminal history. During course of investigation, the name of one Jyoti Kumari has surfaced who had illicit relation with the deceased and the confessional statement of said Jyoti Kumari was taken before the police. In the confessional statement she has stated that she had inflicted knife blow on the deceased and the petitioner was trying to control both of them as the deceased and Jyoti Kumar had a fight. It has further been submitted that his confessional statement also supports the version of Jyoti Kumari that at the spur of moment in order to protect, petitioner has also made few assaults. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. Petitioner is languishing in custody since 05.06.2017.

However, learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and material on record, let the petitioner named above, 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 the learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 294/2017, G. R. No. 2835/2017, 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/court, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the police/court as and when required and failure to appear on two consecutive dates without assigning any reason will entail the cancellation of his bail bonds.

(Nilu Agrawal, J)

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