

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45950 of 2017

Arising Out of PS.Case No. -3 Year- 2016 Thana -SUIYA District- BANKA

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Sobhan Hembram, S/o Sri Dhano Hembram, Resident of Village- Baghela,
P.O- Bhelwa, Police Station- Suiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
Mr. Ganesh Sharma, Adv.

For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.10.2016 in connection with Suiya P.S. Case No. 03 of 2016 for
offences punishable under Sections 147, 148, 149, 307, 504 of the
Indian Penal Code and subsequently Section 302 of the Indian
Penal Code has been added.

The prosecution case, as lodged by the informant, is
that he along with his brother and father Batan Hembram were
sourcing Potato in their field on which the petitioner and other
accused objected. There was a quarrel between the parties and it is
alleged that the petitioner hit the informant's father Batan



Hemram on his head who succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent. He submits that there is contradiction in the statement of eye witnesses as at para-64 of the case diary an eye witness has stated that co-accused Moti Lal Hemram hit Surendra Hemram but he escaped which hit informant's father. He submits that the case has already been committed to the court of sessions and the petitioner undertakes to co-operate in the trial on day to day basis. It is further submitted that the petitioner is in custody since more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that there is specific allegation upon the petitioner in the F.I.R. of hitting the informant's father who succumbed.

Considering the facts and circumstances and the materials on record and the period of custody, 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 Additional Chief Judicial Magistrate-I, Banka in connection with Suiya P.S. Case No. 03 of 2016, 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)

Devendra/-

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