

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48875 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -ADHAURA District- BHABHUA (KAIMUR)

=====

Rajesh Jaiswal, Son of Hari Prasad Jaiswal, R/o Village Bakharabandh P.S.
Bhagwanpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Smt Pushpa Sinha

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.04.2017 in connection with Sessions Trial No. 269 of 2017
arising out of Adhaura P.S. Case No. 03 of 2017, G.R. No. 166 of
2017 for offences punishable under Sections 302, 201 and 34 of
the Indian Penal Code.

The prosecution case, as lodged by the Chowkidar, is
that he received informant that a burnt dead body of a lady is lying
in the jungle and on the next day morning the body was recovered.

It has been submitted by the learned counsel for the
petitioner that the F.I.R. has been lodged against unknown,



petitioner has a clean antecedent and later on the dead body was identified to be of one Shakuntala Devi as identified by her daughters. He submits that just because there was dispute between the second wife Sunita Devi and the first wife Shakuntala Devi (deceased) over property that the petitioner being brother of second wife Sunita Devi, has been made accused. He submits that he bears no criminal history and that charges have been framed against the petitioner and other accused Sunita Devi. It is further submitted that Sunita Devi has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 28332 of 2017 on 15.09.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the mobile location of the petitioner and Sunita Devi was found at the same place and he is involved in killing of Shakuntala Devi. He submits that the petitioner had earlier also moved before this Court for bail which was rejected in Cr. Misc. No. 29356 of 2017 on 07.08.2017 with liberty to renew his prayer for bail after framing of charge.

Considering the facts and circumstances and the materials on record and that the co-accused Sunita Devi has already been granted the privilege of bail, 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 Session Judge-1st Kaimur at Bhabua in connection with Sessions Trial No. 269 of 2017 arising out of Adhoura P.S. Case No. 03 of 2017, G.R. No. 166 of 2017 , subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that 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/-

U		T	
---	--	---	--

