

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31764 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -KANTI District- MUZAFFARPUR

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Mithilesh Singh, son of Late Radha Mohan Singh, Resident of Village-
Bangra Chaupar, P.S.- Kanti, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Kanti (Panapur
O.P.) P.S. Case No. 90 of 2017 for offences punishable under
Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that she stays in Delhi along with her children for the studies and
her husband, Ashok Singh(deceased) stays in the village. She got
information that her husband has been assaulted by the petitioner
along with five other persons and thereafter, after three days she
received information that her husband has been killed. It is alleged
that her husband has been taken to the hospital by the petitioner
and all the accused persons including the petitioner have killed,



Ashok Singh as there was property dispute between them.

It has been submitted by the learned counsel for the petitioner that he is full brother of the deceased, Ashok Singh and the allegations are false. He submits that the witnesses have not supported the prosecution case and the deceased was staying alone in the village and had become very weak as no body was there to look after him. He submits that allegations are general and omnibus and based on suspicion and that one of the co-accused, named in the F.I.R., has been granted the privilege of bail by a co-ordinate Bench of this court in Cr. Misc. No. 33096 of 2017 on 01.08.2017. He submits that there is no eye witness to the alleged occurrence and that charge sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and the petitioner is languishing in judicial custody since 04.05.2017.

However, learned counsel appearing for the informant as well as learned APP for the State oppose the prayer for bail. Learned counsel for the informant submits that because of property dispute, the petitioner, who is own brother of the deceased, has killed him.

Considering the facts and circumstances and the materials on record, 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 Sub Divisional Judicial Magistrate, West Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case No. 90 of 2017 on the 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 reason, otherwise, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Nilu Agrawal, J)

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