

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36756 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -DUMARIA District- GAYA

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Vijay Prasad Son of Late Bisu Mahton, R/o Village- Decchanddih, P.S.-
Dumaria, Bhadwar, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 31-10-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
16.02.2017 in connection with Dumaria P.S.Case No.82 of 2016
dated 14.12.2016 for offences punishable under Sections 302/34
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her husband Dina Nath Prasad had gone to his nursery to
pick up vegetables and did not return. His dead-body was found
in the nursery and it is alleged that the petitioner along with his
son and wife, because of the property dispute, have killed her
husband.

It has been submitted by the learned counsel for the



petitioner that he is innocent and he is full brother of the deceased and has been made accused only on the basis of suspicion as well as on the basis of hearsay witness. He submits that there is no eye witness of the alleged occurrence. The petitioner is himself an old man of 60 years and would not have committed such overt act. It has further been submitted that the charge-sheet has been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, the learned A.P.P. for the State opposes the prayer for bail stating therein that the postmortem report suggests that the deceased died of asphyxia due to throttling.

Considering the facts and circumstances, materials on record and that one of the co-accused, on whom also same omnibus allegation has been levelled, has been granted privilege of bail by a Co-ordinate Bench of this Hon'ble Court in Criminal Misc. No.30324 of 2017 on 12.07.2017, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Dist-Gaya in connection with Dumariya P.S.Case No.82 of 2016, subject to the following conditions :

- (i) 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.

- (ii) 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)

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