

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43820 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -SAHEBGANJ District- MUZAFFARPUR

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Awadhesh Prasad @ Awdhesh Prasad Son of Vidyanand Prasad, R/o
Village- Gariba, P.S.- Kalayanpur, District- East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 17.06.2017 in
connection with Sahebganj P.S. Case No. 215 of 2016 for offences
punishable under Sections 394, 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his brother was working as Coordinator in Jivika and while he
was returning some miscreants took money from him and was
severely beaten. While being treated he succumbed to the injury.

It has been submitted by the learned counsel for the
petitioner that he is innocent and not named in the F.I.R. He
submits that during course of investigation some of the eye



witnesses have alleged to have seen the petitioner along with other co-accused who had assaulted the brother of the informant. He submits that charge-sheet has already been submitted and that one of the co-accused who was alleged to be along with the petitioner has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 50402 of 2017 on 13.11.2017. He submits that the eye witnesses are relatives of Ex-Mukhiya of Gram Panchayat and there is enmity between the petitioner and the said Ex- Mukhiya for which he has been falsely implicated.

However, learned counsel for the informant vehemently opposes the prayer of bail stating therein that the informant's son has been beaten to death by the petitioner and other co-accused out of personal enmity on the ground that one Jivika Mina Kumari was friendly with the deceased.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of nine months in custody 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 Sahebganj P.S.

Case No. 215 of 2016, subject to the conditions that:

- (1) Both bailors would be 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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