

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13667 of 2018

Arising Out of PS. Case No.-16 Year-2017 Thana- CHAINPUR District- Bhabhua (Kaimur)

Dinesh Bind, Son of Late Chirakut Bind, Resident of Village- Chhotaka
Lohera, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner had earlier moved for bail before this Court in Cr. Misc. No. 32936 of 2017, which was rejected vide order dated 12.09.2017. Petitioner is languishing in judicial custody since 31.01.2017 in connection with Sessions Trial No. 373 of 2017 arising out of Chainpur P.S. Case No. 16 of 2017 registered for the offence punishable under Sections 341, 323, 307 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that earlier there was a partition between all the four brothers and while his son and nephews had gone to their field, the petitioner on account of petty dispute fired on the informant's



son and his wife Kashmira Devi also hit with tangi, as a result informant's son succumbed to the gun shot injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is the full brother of the informant. A civil dispute bearing Title Suit No. 92 of 2011 is pending between the brothers and the incident happened at the spur of the moment. He submits that none of the witnesses has yet been examined and he undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Kaimur at Bhabua in connection with Sessions Trial No. 373 of 2017 arising out of Chainpur P.S. Case No. 16 of 2017, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date 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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