

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14165 of 2018

Arising Out of PS. Case No.-11 Year-2017 Thana- SAHAR District- Bhojpur

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Mukesh Kumar @ Mukesh Singh @ Mukesh Sharma, Son of Anil Singh,
Resident of village- Ekawari, P.S. Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-03-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 14.09.2017 passed in Cr. Misc. No. 35077 of 2017. Petitioner is languishing in judicial custody since 16.02.2017 in connection with Sessions Trial No. 226 of 2017 arising out of Sahar P.S. Case No. 11 of 2017 registered for the offence punishable under Sections 302, 120(B) and 201 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his nephew, Prince Kumar (deceased) had been taken away by the petitioner and three others named in the First Information Report along with two unknown and thereafter he did not return.



Subsequently his dead body was found in a well hands and feet tied.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that allegations are general and omnibus against six co-accused including the petitioner. He submits that there is no eye-witness to the alleged occurrence and some of the co-accused have been granted the privilege of bail by this Court on similar allegations in Cr. Misc. No. 51521 of 2017 on 03.01.2018 and Cr. Misc. No. 7509 of 2018 on 07.02.2018. 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 A.D.J.-2, Bhojpur, Ara in connection with Sessions Trial No. 226 of 2017 arising out of Sahar P.S. Case No. 11 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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