

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24272 of 2018

Arising Out of PS. Case No.-5 Year-2017 Thana- KUNALI District- Supaul

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Mukesh Kumar Jha, Son of Mahanand Jha, Resident of Sikarhatta, P.S.-
Kunouli, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner had earlier moved for bail in Cr. Misc.
No. 31964 of 2017, which was rejected on 17.08.2017. Again
for the second time, he moved a bail application, which was
rejected vide order dated 24.01.2018 passed in Cr. Misc. No.
3547 of 2018. This is the third round of litigation. Petitioner is
languishing in judicial custody since 03.05.2017 in connection
with Sessions Trial No. 67 of 2018, arising out of Kunouli P.S.
Case No. 05 of 2017 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while in the morning, she came to wake up her husband, she
found him lying in a pool of blood and First Information Report



has been lodged against unknown.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, bears no criminal history and has been falsely implicated in the aforesaid case just because of being on inimical terms and there was a dispute earlier between the petitioner and the informant's husband for giving rasta between the two houses. He submits that charges have been framed and the petitioner undertakes to cooperate in the trial.

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 Sessions Judge, Supaul in connection with Sessions Trial No. 67 of 2018, arising out of Kunouli P.S. Case No. 05 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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