

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38757 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- GAMAHARIYA District- Madhepura

Sintu Kumar S/o Vijendra Yadav, R/o Vill.- Sukhasan, P.S.- Singheshwar,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 14.09.2017 passed in Cr. Misc. No. 33165 of 2017. Petitioner is languishing in judicial custody since 19.02.2017 in connection with Sessions Trial No. 89 of 2017, arising out of Gamharia P.S. Case No. 25 of 2017 registered for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that her daughter was married to the petitioner four years back and was tortured in her matrimonial house for which she used to come to her parental house often. On the date of occurrence, petitioner along with his wife was sleeping in his room after



taking meal and in the morning the dead body of the informant's daughter was found 500 yards away from the house. The petitioner confessed his guilt of killing the informant's daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent and the entire prosecution case appears to be improbable as the petitioner would not have stayed in the house after killing his wife, daughter of the informant. He further submits that during course of investigation, it had come that the informant's daughter had a paramour and had gone to meet him outside the house late at night. He submits that there is no eye witness to the alleged occurrence and being the husband, the petitioner has been roped in the said offence. The petitioner undertakes to co-operate in the trial on day-to-day basis. It is further submitted that the trial of the case has not made much headway as none of the witnesses has been examined and this position has been affirmed in the report called for on earlier occasion from the court of learned Addl. District and Sessions Judge-II, Madhepura dated 09.07.2018

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

Considering the facts and circumstances, materials



on record and the period of custody, 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 3rd Addl. Sessions Judge, Madhepura in connection with Sessions Trial No. 89 of 2017, arising out of Gamharia P.S. Case No. 25 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the trial and appear before the learned Court below 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)

Arjun/Pragya

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