

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44126 of 2018

Arising Out of PS. Case No.-120 Year-2016 Thana- AMDABAD District- Katihar

Somai Hembram, S/o Late Lakhan Hembram, R/o Radhe Madhe, P.S.-
Amdabad, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-07-2018 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 22.06.2017 passed in Cr. Misc. No. 22001 of 2017. Petitioner is languishing in judicial custody since 09.09.2016 in connection with Sessions Trial No. 292/295 of 2017, arising out of Amdabad P.S. Case No. 120 of 2016 registered for the offence punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the younger brother of deceased, Mery Marandi, is that his deceased sister was married to the petitioner 10 years back on 06.09.2016. He received information that his sister has been killed by her husband with the help of other family members and when he went to the matrimonial home of his sister no one was present



there. Subsequently, the dead body of his sister was found near Digha river.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated only on hear-say. There is no eye witness to the alleged occurrence. The petitioner is 70 year old man and his deceased wife was a 30 year old lady who had illicit relation with other person, as such, he has been falsely implicated. He further submits that he is ready to cooperate in the trial on day-to-day basis. He further submits that his nephew co-accused Jetha Marandi, who confessed his guilt, has already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 44930 of 2018 today itself. He submits that other co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 36197 of 2018 vide order dated 27.06.2018 and Cr. Misc. No. 19713 of 2018 vide order dated 02.05.2018.

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

Considering the facts and circumstances and the materials on record as well as 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 Additional District and Sessions Judge-1, Katihar in connection with Sessions Trial No. 292/295 of 2017, arising out of Amdabad P.S. Case No. 120 of 2016, 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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