

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45158 of 2018

Arising Out of PS. Case No.-22 Year-2017 Thana- KOCHADHAMAN District- Kishanganj

Ashgar @ Asgar S/o Samiruddin, R/o Vill.- Dhuri Pakar,(Patkoi Kala), P.S.-
Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Smt. Gulnar Begam, 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 14.09.2017 passed in Cr. Misc. No. 35244 of 2017. Petitioner is languishing in judicial custody since 02.03.2017 in connection with Sessions Trial No. 112 of 2017, arising out of Kochadhaman P.S. Case No. 22 of 2017, G.R. No. 304 of 2017 registered for the offence punishable under Section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was sitting at the door of his cousin aunt Asgari Begam (deceased), the petitioner started verbal fight with the deceased regarding the construction of house. After heated conversation, the petitioner brought dabiya and assaulted his



step grandmother on which she succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case by the informant, who himself had greedy eyes on the plot of the step-grandmother as she was issueless. He submits that the informant during the course of deposition in trial has retracted from his statement made in the F.I.R and that the petitioner is languishing in judicial custody for more than one year and four months.

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 Addl. Sessions Judge-1, Kishanganj in connection with Sessions Trial No. 112 of 2017, arising out of Kochadhaman P.S. Case No. 22 of 2017, G.R. No. 304 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 cooperate 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

U		T	
---	--	---	--

