

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72873 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- HASPURA District- Aurangabad

Badal Kumar @ Seth @ Lavkush, Son of Sri Ram Chanda Prasad @ Ram Chandra Gupta, Resident of Village-Haspura Tola-BareliChak, P.O. & P.S.-Hasanpura, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra

For the Opposite Party/s : Mr. Sri Akbar Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-12-2018 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with **Haspura P.S. Case No. 82 of 2018** registered for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 302 and 325 of the Indian Penal Code.

Informant who in his written complaint dated 02.05.2018 has alleged that on 01.05.2018 at about 2.00 PM his elder brother Bindeshwari Singh @ Binda and brother in law Ravindra Kumar @ Jatta had gone to purchase Jewelry in Janta Jewellery and his brother and brother in law entered into the shop and he was making purchase from near by shop when he heard the sound of firing and bomb explosion and saw the



criminals running away and when he went near the Janta Jewellery shop he saw that FIR named accused including petitioner were assaulting his brother and brother in law and his brother Bindeshwari Singh died while being carried to hospital.

It has been submitted on behalf of petitioner that informant and his two associates were the criminals who had entered the shop Janta Jewellers to commit dacoity and were caught by the mob and thrashed, meanwhile the police arrived and took the two accused who were thrashed by the mob to the hospital where Bindeshwari Singh succumbed to his injuries. The present FIR was lodged by the shop owner of Janta Jewelers on 01.05.2018 and as a counter case the 2nd FIR was instituted by the accused on 02.05.2018. Petitioner has no criminal antecedent and he is in custody since 26.07.2018. Charge sheet has already been submitted.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge-III, Aurangabad** in Sessions Case No. 409 of 2018/ 411 of 2018 arising out of Haspura P.S. Case No. 82 of 2018 following



conditions:-

- (1) Bailor should be local having sufficient immovable properties within the jurisdiction of concerned court.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) Petitioner shall not tamper the evidence and if he is found of indulging in tampering of evidence, the prosecution shall be at liberty to move for cancellation of his bail bond.

(S. Kumar, J)

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