

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15698 of 2018

Arising Out of PS. Case No.-36 Year-2017 Thana- SIDHWALIA District- Gopalganj

Himmat Ram S/o Nakul Ram, R/o Village- Balra, P.s.- Sidhawalia, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta

For the Opposite Party/s : Mr. Rajeev Nayan

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 18.10.2017, passed in Cr. Misc. No. 40415 of 2017.

Petitioner is languishing in judicial custody since 02.04.2017 in connection with Sidhwalia P.S. Case No. 36 of 2017 for offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her husband, who works as a mason, has gone to call his two sons but while her sons returned the informant's husband did not return, thereafter his dead body was found in a chaur.

It has been submitted by learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and it is only on the basis of his own confessional statement and confessional statement of co-accused that his name surfaced. He submits that the co-accused, who were along with the petitioner, as stated in the confessional statement of the petitioner and the co-accused, have been granted the privilege of bail by coordinate Benches of this court vide orders dated 17.10.2017 and 12.12.2017 in Cr. Misc. No. 45726 of 2017 and Cr. Misc. No. 55609 of 2017 respectively. He submits that the allegations against all the accused persons are similar and there is no eye-witness to the alleged occurrence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Sidhwalia P.S. Case No. 36 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial 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)

Rajesh/-

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