

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41144 of 2018

Arising Out of PS.Case No. -294 Year- 2017 Thana -ALOU LI District- KHAGARIA

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Ram Kalin Kumar @ Ram Kalin Yadav, S/o Rambilash Yadav, resident of
Village- Budhaba, P.S. Alauli, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 18-08-2018 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner is in custody since 26.09.2017
in connection with Alauli P.S. for the offence
registered under Sections 147, 149 and 302 of the
Indian Penal Code.

Learned counsel for the petitioner submits
that there was some altercation between the parties
with regard to pelting of stones on asbestos roof of the
informant side and the petitioner along with others
assembled there and were using abusive language. It
is further submitted that the allegation is that when



the mother of the informant came there to prevent them from using abusive language, the other accused persons named in the First Information Report assaulted the lady and the present petitioner picked up a brick and threw it on the head of the lady, resulting in her death. It is further submitted that actually the death occurred on account of fall and save and except injury on the scalp of the deceased, there is no other injury in the post mortem report. It is further submitted that the petitioner has been languishing in jail for past eleven month and has no criminal antecedent and, admittedly, there was no premeditation and the occurrence was the outcome of certain outrage at the spur of the moment. In view of such circumstances, learned counsel for the petitioner prays that the petitioner may be extended the privilege of bail even though the act has been attributed to him, he shall cooperate in all further investigation and be present on each and every date during the course of the trial.

Learned counsel for the State, after perusal of



the case diary, submits that the occurrence as indicated in the first information report has been corroborated by other witnesses and the injury found on the persons of the deceased is single and has been attributed to the present petitioner and therefore, he does not deserve the privilege of bail.

Having heard learned counsel for the petitioner, learned counsel for the State and on consideration of the facts that the petitioner has already been in custody for almost 11 months and that he has clean antecedent and he is willing to cooperate in the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Khagaria in connection with Alauli P.S. Case No. 294 of 2017, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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