

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38895 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -JAYNAGAR District- MADHUBANI

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Mohan Das son of Pramod Das Resident of Village - Jaynagar, Rajputana,
P.S. Jaynagar, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Jaynagar P.S.
Case No. 90 of 2018 for offences punishable under Sections 302,
34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son Suman Kumar Ram received a phone call at night and
he went from the house but did not return. After one day, his body
was found in the mustard field of one Pradip Hazara and evidence
was found that he was strangled by means of orange cloth.

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. He submits that



petitioner is not named in the F.I.R. and it is only on the basis of confessional statement of his brother Sohan Kumar Das and his wife Kiran Devi which figures at para-40 and 41 of the case diary that the petitioner has been made accused. He submits that the wife of his brother had illicit relations with the deceased son of the informant who was the main assailant along with his wife and the petitioner was later informed which has come in the confessional statement of the petitioner in para-51 of the case diary. The only allegation upon the petitioner is that he took away his brother, his wife and one year old child in the highway after the murder. He submits that charge-sheet has already been submitted and petitioner is languishing in judicial custody since 15.03.2018.

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

Considering the facts and circumstances and the materials on record as well as from perusal of the case diary, 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 S.D.J.M., Madhubani, District- Madhubani in connection with Jaynagar P.S. Case No. 90 of 2018, subject to the conditions that:

- (1) 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.

- (2) 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)

Devendra/Priyanka

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