

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61562 of 2018

Arising Out of PS. Case No.-62 Year-2015 Thana- NIMCHAKBATHANI District- Gaya

Chandan Kumar, Son of Hriday Sharma @ Hruday Singh, resident of
Village- Makhdumpur, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with S.Tr. No. 191 of 2016 arising out of Nimchak Bathani P.S. Case No. 62 of 2015 registered for the offence punishable under Sections 341, 323, 325, 307, 147, 148, 149, 504 of the Indian Penal Code and later on Section 302 of IPC was added.

Informant has alleged in the FIR that petitioner and other co-accused asked the uncle of informant Baiju Mahto to slaughter chicken but he refused to do so and on account of which they started abusing him and on protest petitioner



inflicted iron rod blow on his temple which caused bleeding. It has further alleged that the co-accused also inflicted lathi blow on his person, as a result of which Baiju Mahto got injured and became unconscious. He was taken to Magadh Medical college, Gaya for treatment, from where he was referred to PMCH, Patna where he died.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. Though his prayer for bail has been rejected by this Court twice, he has remained in custody for about 3 ½ years and the trial is not likely to be concluded in near future. There is single head injury found on person of deceased. Four out of six witnesses have not supported case of prosecution.

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 learned Additional Sessions Judge 1st, Gaya, in connection with S.Tr. No. 191 of 2016 arising out of Nimchak Bathani P.S. Case No. 62 of 2015 subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and



shall appear on each and every date fixed by the court and two consecutive dates.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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