

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.379 of 2018

Arising Out of PS.Case No. -106 Year- 2017 Thana -BAKHRI District- BEGUSARAI

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Kanhaiya Poddar, Son of Late Maheshwar Poddar, Resident of Village-
Parihara, P.S.-Bakhri, District-Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the 2nd round of litigation. Earlier bail application of the petitioner was rejected by this Court in Cr. Misc. No. 33983 of 2017 vide order dated 30.08.2017.

Petitioner is languishing in judicial custody in connection with Sessions Trial No. 426 of 2017 arising out of Bakhri P.S. Case No. 106 of 2017, G.R. No. 1456 of 2017 for offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that his father had gone to provide milk to the dairy and was killed



in the market place. F.I.R. has been lodged in presence of his brother Gaurishankar Yadav and witness Sarita Devi.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and although he had accompanied the witness Gaurishankar Yadav at the time of lodging of F.I.R., later, just because on the ground of suspicion, the petitioner has been made accused. He submits that there is no eye witness to the alleged occurrence, charges have been framed and the petitioner undertakes to co-operate in the trial. He submits that one of the co-accused against whom charges have been framed has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 53442 of 2017 on 27.11.2017 and the case of the petitioner is on a better footing.

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 1st Additional Sessions Judge-cum-Special Judge, Begusarai in connection with Sessions Trial No. 426 of 2017 arising out of



Bakhri P.S. Case No. 106 of 2017, G.R. No. 1456 of 2017, 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/-

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