

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29998 of 2018

Arising Out of PS.Case No. -7 Year- 2017 Thana -
NAGARNAUSA District- NALANDA (BIHARSHARIFF)

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1. Suresh Prasad S/o Late Siya Gope, R/o Vill.- Khajura,
P.S.- Nagarnausa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vikash Kumar @ Shivam Kumar S/o Ram Pravesh Rai,
R/o Vill.- Babaul, P.S.- Bakhtiyarpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-06-2018 The O.P. No. 2 was made accused in connection with

Nagarnausa P.S. Case No. 07 of 2017 instituted for the

offence under Section 302/34 of the Indian Penal Code.

The aforesaid case was registered against the
husband and other relations of the deceased. The O.P. No. 2
in the aforesaid case has been shown as a friend of the
husband of the deceased who had visited the house of the
petitioner/informant/father of the deceased for getting the
Bidagri of the deceased. Later, it transpired that the
deceased was killed by a sharp cutting weapon.

The police, after investigation, submitted charge-sheet
against other accused persons but did not send up O.P. No. 2



for facing trial. In the sessions trial which ensued viz. Sessions Trial No. 393 of 2017, after four witnesses were examined on behalf of the prosecution, the O.P. No. 2 was also summoned to face trial under the provision of Section 319 of the Code of Criminal Procedure.

Taking the aforesaid fact into account, the District Judge, Nalanda at Biharsharif granted anticipatory bail to the petitioner in A.B.P. No. 172 of 2018/656 of 2018.

This Court finds no ground to interfere with the aforesaid order and cancel the bail granted to O.P. No. 2.

While saying so, this Court has also taken note of the fact that the investigation record reveals that O.P. No. 2 is employed in the Indian Army and has no connection with the family members of the accused or the deceased. He only happens to be a friend of the husband of the deceased.

Considering the aforesaid facts, the present petition is dismissed.

(Ashutosh Kumar, J)

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