

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13387 of 2018

Arising Out of PS. Case No.-15 Year-2017 Thana- PARSABAZAR District- Patna

Umesh Prasad Doctor @ Umesh Prasad, son of Lal Das Prasad, resident of
Chanakya Colony, Nathpur, Parsa Bazar, P.S. Parsa Bazar, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

This is the second round of litigation. Earlier the prayer for
bail of the petitioner was rejected vide order dated 18.08.2017,
passed in Cr. Misc. No. 35425 of 2017.

Petitioner is languishing in judicial custody since
30.04.2017 in connection with Sessions Trial No. 359A/2017,
arising out of Parsa Bazar P.S. Case No. 15 of 2017 for offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that three persons named in the First Information Report took
his son on a motorcycle to see some land and thereafter he heard
the sound of firing and found four persons running away.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, not named in the First Information Report and it is only on the basis of confessional statement of one Rajesh Ram before the police, which has no evidentiary value in the eye of law that he was made accused. He submits that the co-accused and the so called contract killer, who was engaged by the petitioner who is alleged to be the master mind, has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 45166 of 2017 on 25.01.2018. He further submits that charges have already been framed and the petitioner undertakes to cooperate in the trial on day-to-day basis.

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 Addl. District and Sessions Judge-IX, Patna, in connection with Sessions Trial No. 359A/2017, arising out of Parsa Bazar P.S. Case No. 15 of 2017, subject to the following conditions :



- (i) 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.
- (ii) 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)

Rajesh/-

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