

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10378 of 2018

Arising Out of PS. Case No.-107 Year-2017 Thana- GIRIYAK District- Nalanda

Raju Kumar S/o Late Saryug Mahto, R/o Village- Loharajpur, P.S.- Katri Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. TARUN PRASAD MANDAL

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-03-2018 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 24.08.2017, passed in Cr. Misc. No. 36161 of 2017.

Petitioner is languishing in judicial custody since 10.04.2017 in connection with Sessions Trial No. 726 of 2017, arising out of Giriyak (Katri Sarai) P.S. Case No. 107 of 2017 for offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while she along with her son and husband were coming after tying cow in the cow-shed, the petitioner along with seven others variously armed with iron rod and bamboo stick started



assaulting her husband. Petitioner and other co-accused are agnates and co-sharer of landed property and there is a property dispute. It is alleged that co-accused Arjun Prasad and Ganauri Prasad ordered to kill and co-accused Gauri Shankar and Priyanshu Kumar assaulted the husband of the informant, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, allegations being general and omnibus, bears no criminal history and there is no allegation of assault by the petitioner upon the deceased. He submits that one of the co-accused, who is alleged to be the order giver, has since been granted privilege of bail by a coordinate Bench of this Court vide order dated 06.09.2017, passed in Cr. Misc. No. 40903 of 2017 and 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 A.D.J.-III, Biharsharif (Nalanda), in connection with Sessions



Trial No. 726 of 2017, arising out of Giriyak(Katri Sarai) P.S.

Case No. 107 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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