

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72218 of 2018

Arising Out of PS. Case No.-679 Year-2017 Thana- PHULWARISHARIF District- Patna

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Pramod Kumar, Son of Shambhu Rai, resident of Mohalla- Gosai Tola, P.S.-
Paltiputra, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha, Advocate

For the Opposite Party/s : Smt Renu Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Phulwarisharif P.S. Case No. 679 of 2017
(Sessions Trial No 427 of 2018) registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Informant in her written complaint has alleged that
petitioner along with F.I.R. named accused persons fired upon
his husband causing grievous injury and on way to hospital he
died.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case by the informant who is second



wife of the deceased only because the petitioner had filed a case against the deceased for committing murder of his sister. The informant has been examined as persecution witness no.1 in which she has denied that petitioner had opened fired upon her husband as a result of which he died. Petitioner has no criminal antecedent and he is in custody since 27.10.2017. Similarly placed co-accused has been granted bail by co-ordinate bench of this court passed in Cr. Misc. 64513 of 2018 vide order dated 31.10.2018.

Considering the aforesaid fact 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 District & Sessions Judge-IV, Patna, in connection with Phulwari Sharif P.S. Case No. 679 of 2017 (Sessions Trial No. 427 of 2018), subject to conditions:

- (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 be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (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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