

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25273 of 2018

Arising Out of PS.Case No. -147 Year- 2017 Thana -JAYNAGAR District- MADHUBANI

=====

Ajay Nayak @ Ajay Kumar Nayak Son of Late Deo Narayan Nayak
resident of village - Bataunha, P.S. Jai Nagar, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 08.11.2017 passed in Cr. Misc. No.
42550 of 2017.

Petitioner is languishing in judicial custody since
31.05.2017 in connection with Sessions Trial No. 409 of 2017
arising out of Jai Nagar P.S. Case No. 147 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 while her husband Bablu Mahto had gone to the market her
Bhaisur came and informed that the informant's husband has
been killed by the petitioner along with another person who



were riding in a motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there is no eye witness to the alleged occurrence although the Bhaisur of the informant as a witness before the police has stated that he has seen the petitioner firing on the deceased. He submits that the inquest report was prepared before lodging of the F.I.R., only family members have supported the prosecution story but none of the independent witnesses have supported the prosecution case. He submits that there was a property dispute between the parties and the petitioner has falsely been implicated. The petitioner undertakes to cooperate in the trial on day to day basis.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that because of personal enmity regarding land dispute, the informant's husband has been murdered by the petitioner in broad day light.

In this regard, a report was called for regarding progress of the trial from the court of the learned Additional District and Sessions-II, Madhubani who has submitted a report vide letter no. 142/2018 dated 15.05.2018 that out of 12 witnesses only three witnesses have been examined and the trial



is likely to conclude within nine months.

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 Additional Sessions Judge-II, Madhubani in connection with Sessions Trial No. 409 of 2017 arising out of Jai Nagar P.S. Case No. 147 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/-

U		T	
---	--	---	--

