

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14792 of 2018

Arising Out of PS.Case No. -336 Year- 2016 Thana -PIRO District- BHOJPUR

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Shashibhushan Rai, Son of Chandrahansh Rai, resident of Village- Dev Chanda, P.S.- Piro, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was rejected vide order dated 04.10.2017 passed in Cr. Misc. No. 36048 of 2017.

Petitioner is languishing in judicial custody since 16.02.2017 in connection with Sessions Trial No. 211 of 2017 arising out of Piro P.S. Case No. 336 of 2016 for offences punishable under Sections 302/385/387/449/460/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while her son was playing in a room in the house, the petitioner along with other co-accused entered her house and



killed her son. She saw them with guns in the hands who threatened the informant. The matter relates to land dispute and earlier also her husband had been killed by the petitioner and other co-accused.

It has been submitted by the learned counsel for the petitioner that he is innocent. The informant is not an eye witness to the alleged occurrence and the allegation against the petitioner and other co-accused regarding murder of her husband did not fructify as earlier she had lodged Jagdishpur P.S. Case No. 11 of 2016 just ten months before the present case and the after investigation the petitioner was not sent up for trial. He submits that although charges have been framed but none of the witnesses have yet been examined, the petitioner is languishing in judicial custody since more than one year and undertakes to cooperate in the trial and also undertakes not to tamper with the witnesses.

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. VIth, Bhojpur, Ara in connection with Sessions Trial No.



211 of 2017 arising out of Piro P.S. Case No. 336 of 2016, 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/-

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