

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37959 of 2018

Arising Out of PS. Case No.-17 Year-2012 Thana- SATHI District- West Champaran

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Ram Chandra Prasad Kushwaha, S/o Late Indradeo Prasad Kushwaha,
Resident of Village- Bathauda, P.S.- Sathi, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.04.2018 in connection with Sathi P.S. Case No. 17 of 2012
(Trial No. 2322/2018) for offences punishable under Sections
364, 302, 201, 120B & 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with four others came to his house, took
away his brother-in-law and the next day his body was found on
the railway line.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case due to land dispute
between the parties. He submits that the police had already



submitted final form against the petitioner and others and that other accused persons named in the F.I.R. has been granted privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 28459 of 2018 vide order dated 09.05.2018. Petitioner undertakes to co-operate in the trial on day-to-day basis and not to tamper with the prosecution evidence.

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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Sathi P.S. Case No. 17 of 2012 (Trial No. 2322/2018), 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)

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