

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33478 of 2018

Arising Out of PS. Case No.-479 Year-2017 Thana- BARBIGHA District- Sheikhpura

Gopal Kumar, S/o Jangli Sao @ Jageshwar Prasad, R/o Vill.- Golapar, P.S.-
Barbigaha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 08.03.2018 in connection with Barbigaha (Mission O.P) P.S. Case No. 479/2017 for the offence registered under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is a specific allegation leveled against the petitioner is that he has assaulted the deceased. The independent witnesses have not supported the case that the deceased was assaulted by the petitioner, rather they have stated that deceased has fallen down and died. It is further submitted that petitioner has been falsely implicated in the present case on account of land dispute.

Learned counsel for the informant submits that the



petitioner is the main architect of the injury which led to the death of the deceased. It is further submitted that the investigation has been done in a slip shod manner. It is further submitted that when co-accused have prayed for bail, he had categorically stated that the petitioner was the main accused.

Learned counsel for the petitioner has stated that after perusal of the injury report at paragraph 21 of the case dairy, injuries have been found on the vital part of occipital region of cerebrum, which goes to show that the injuries was made merely because the deceased has fallen down.

Considering the aforesaid facts and circumstances of the case and the statement of the independent witnesses, who have stated that the deceased had fallen down prior to the occurrence, and since the charge sheet has now been submitted under section 304 (A), let the petitioner, above named, be released 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, Sheikpura, in connection with Barbigha (Mission O.P) P.S. Case No. 479/2017, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) It is further made clear that the petitioner shall remain present at the time of framing of charge.

(4) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(5) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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