

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70573 of 2018

Arising Out of PS. Case No.-330 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

Ajay Kushwaha S/o Rajendra Mahto Resident of Village-Jamuawan,P.S.
Nawada,Distt.-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Nawada P.S. Case No.330/2018 registered for the offence punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code but charge was submitted under Section 364, 302, 201, 120(B) and 34 of the Indian Penal Code.

Informant has alleged in her fardebyan that petitioner and three accused had come to her house to have conversation with her deceased husband and took him out but thereafter he did not return and his dead-body was found wrapped with the sand.

It has been submitted on behalf of the petitioner that petitioner has falsely been implicated in this case and except suspicion there is no any other incriminating material found



against the petitioner. It is a case of last seen. Petitioner has no criminal antecedent as stated in paragraph 3 of his petition and he is in custody since 28.05.2018. Similarly placed co-accused, Rajesh Yadav, against whom similar allegations are there, has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.09.2018 passed in Cr. Misc. No.52376 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada P.S. Case No.330/2018, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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)

Sanjay/-

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