

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77058 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- KASHICHAK District- Nawada

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Niranjan Kumar @ Sonu Kumar @ Sonu, Son of Naulesh Prasad, Resident of
Village- Nemchak, P.S.- Kashichak, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner, who is in custody, seeks bail in
connection with Kashichak P.S. Case No. 88 of 2018 registered
for the offence punishable under Sections 302 and 201 of the
Indian Penal Code.

Informant has alleged in his fardbeyan that his
brother on 02.08.2018 at about 6:00 PM had gone to the pond of
Papu Mahto where his brother and other two co-accused
including petitioner used to sleep in the night. On the next day
at about 5:30 AM villagers raised alarm that his brother has
been killed and dead body has been thrown near bridge.

It has been submitted on behalf of the petitioner that
petitioner is not named in the FIR. His name has surfaced in this



case on the basis of confessional statement of Papu Kumar who has stated that deceased died due to electric shock and under fear accused have thrown the dead body near bridge. Doctor has also opined the cause of death due to burn by electric current. Similarly co-accused, namely, Preman Raut has been granted bail by this Hon'ble Court vide order dated 10.10.2018 passed in Cr. Misc. No. 54863 of 2018. Petitioner has no criminal antecedent and he is in custody since 09.07.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nawadah, in connection with Kashichak P.S. Case No. 88 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(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)

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