

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7509 of 2018

Arising Out of PS.Case No. -11 Year- 2017 Thana -SAHAR District- BHOJPUR

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Amit Kumar @ Amit Kumar Roy, Son of Santosh Roy, Resident of Village-
Gulatarpur, P.S.-Sahar, 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 Arun Kumar Singh -5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-02-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner's bail application was earlier rejected by this
Court vide order dated 28.08.2017 passed in Cr. Misc. No. 31096
of 2017.

Petitioner who is languishing in judicial custody since
27.02.2017 seeks bail in connection with Sessions Trial No. 226 of
2017 arising out of Sahar P.S. Case No.11 of 2017 for offences
punishable under Sections 302, 120B/201 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his nephew Prince Kumar @ Ghutkun was taken away by the
petitioner and four others but subsequently the dead body of his
nephew was found in a well whose hands and legs were also tied.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there is no eye witness to the alleged occurrence. He submits that one of the co-accused along with whose nephew of the informant went has been granted the privilege of bail by a coordinate Bench of this Court vide order dated 03.01.2018 passed in Cr. Misc. No. 51521 of 2017.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner was last seen with the deceased along with four others.

Considering the facts and circumstances and the materials on record and the period of custody, 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.-2, Bhojpur, Ara in connection with Sessions Trial No. 226 of 2017 arising out of Sahar P.S. Case No.11 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner, 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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