

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33591 of 2018

Arising Out of PS.Case No. -98 Year- 2018 Thana -PAROO District- MUZAFFARPUR

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1. Kundan Singh S/o Kameshwar Singh, R/o Vill.- Phuladh, P.S.- Paroo,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for

the informant is also present.

The petitioner has been in custody since 13.04.2018

in connection with Paroo P.S. Case No. 98/2018 registered for

the offences punishable under Sections 302/34 of the Indian

Penal Code.

Learned counsel for the petitioner submits that the

petitioner has been named subsequently after a lapse of nine

days though the allegation against the petitioner is of having

attacked the deceased and having given several blows, the

statement has come on the basis of a purported eye-witness who

had been very much present at the place of occurrence and were



present at the site of occurrence when the wife of the deceased had raised alarm and villagers had collected there. Learned counsel appearing on behalf of the petitioner further submits that it is highly improbable that an eye-witness who had seen the occurrence will not raise '*Hulla*' at that point of time or even say so at the time when the matter was reported to the police. It was only after a lapse of nine days that the so-called eye-witness had reported that he had seen the occurrence. Another co-villager is also reported to have seen the occurrence, but her statement has come only after one month. This raises a slight cloud on the prosecution story as the petitioner is being prosecuted only on the statement made by these two eye-witnesses and not otherwise.

Learned counsel for the informant submits that the husband of the informant has been brutally murdered by the petitioner and, therefore, he is not entitled to the privilege of bail.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary also supports the incident and



though the matter was reported after nine days that the main allegation is against the present petitioner. However, chargesheet has now been submitted.

Considering the facts and circumstances and, there being a distinct cloud on the prosecution story and also because the petitioner has got no criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-3rd-cum-A.C.J.M. 3rd, (West), Muzaffarpur, in connection with Paroo P.S. Case No. 98/2018 , subject to the following conditions:-

- (1) One of the bailors will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) 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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