

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24388 of 2018**

Arising Out of PS.Case No. -44 Year- 2017 Thana -BANDHUWA KURAWA District- BANKA  
=====

Ashok Hembram S/o Late Phocho Hembram, R/o Village- Rangra, P.S.-  
Bousi, District- Banka.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Sri Sanjay Kumar  
=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      18-05-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with S. Tr. No.21  
of 2018 arising out of Bandhuwa Kurawa Police Station Case No. 44  
of 2017 registered for the offences punishable under sections  
302/201/34 of the Indian Penal Code.

The informant of this case is father of the deceased. He  
has alleged that on 09.08.2017 at about 8.00 A.M., his son went  
outside house along with one Rajesh Hembram and thereafter, he did  
not return. On the following day, his dead body was recovered towards  
the east of Middle School, Lilavaran.

It has been submitted that there is no eye-witness to the  
occurrence. The deceased had gone along with Rajesh Hembram. The  
petitioner is neither named in FIR and nor there is any material  
showing in complicity of the petitioner in commission of murder of



deceased. The learned counsel for the petitioner further referred post mortem report wherein the doctor has reported that the death had occurred for about 36-40 hours earlier. On calculation it would appear that the death had taken place on 07.08.2017. It has been further submitted that the confession of this petitioner is not a voluntary confession rather the police have recorded at the instance of local people.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Banka in connection with S.Tr. No. 21 of 2018 arising out of Bandhuwa Kurawa Police Station Case No. 44 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

**(Sanjay Kumar, J)**

Mahesh/-

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