

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29847 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -BARAUNI District- BEGUSARAI

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Chhotu Kumar, Son of Ganesh Rai @ Ganesh Choudhary, resident of
Village- Hajipur, Police Station- Barauni, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barauni P.S. Case No.15 of 2018 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

It is alleged that on 16.01.2018 at about 6:00 pm one
Ranjan and this petitioner came to the house of informant
(brother of the deceased) with motorcycle and went with his
brother (deceased) from his house and thereafter they committed
the murder of the deceased.

It has been submitted that the brother of the informant
died in a motor accident case and the present case has been



lodged only to harass the petitioner. There is no eye witness to the occurrence. The petitioner has been implicated merely on suspicion on the information of spy whose name has not been disclosed during investigation. The petitioner is in custody since 18.01.2018 having clean antecedent and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

From perusal of the F.I.R. and case-diary, it appears that the petitioner is alleged to be last seen person with the deceased. There is no motive in the F.I.R. for committing murder. In case-diary, the witnesses have stated that the petitioner and other co-accused had differences in distribution of booty.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No.15 of 2018, 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) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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