

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11687 of 2019

Arising Out of PS. Case No.-375 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Nawal Prasad Son of Late Karu Prasad Resident of Village- Pandeybigha,
P.S-Kadriganj, Dist.-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha
For the Opposite Party/s : Mr.Pradeep Narain Kumar

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

Informant had instituted FIR on 19.05.2014 when he
got information that his father Umesh Prasad was murdered at
village Khanda and the source of information was Pintu Kumar
his Fufa's son who has alleged that the petitioner and others
killed his father and threw his dead body in a ditch. After
investigation the case was found to be true. The accusation
against petitioner was found to be not true as such final form
was submitted by the police which was accepted by the court
also. However, a protest petition was filed on behalf of
Informant and after enquiry cognizance was taken by the trial



court against the petitioner under section 302 of IPC and he was summoned to appear to face the trial and was taken into custody on 24.10.2018.

It has further been submitted that the present case was instituted as retaliation of case filed by the side of petitioner under Section 304B read with Section 34 of the IPC. Similarly, situated co-accused person has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 07.02.2019 in Criminal Miscellaneous No. 6862 of 2019. Petitioner is in custody 24.10.2018.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Complaint Case No. 375(c) of 2017**, with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(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)

ranjan/-

U			
---	--	--	--

