

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19639 of 2019

Arising Out of PS. Case No.-438 Year-2017 Thana- NAUBATPUR District- Patna

Narendra Kumar Son of Late Ram Naresh Mahto Resident of Village -
Nizampur, P.S.- Naubatpur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 14.03.2018, has
prayed for bail in connection with Session Trial No. 501 of 2018
arising out of Naubatpur P.S. Case No. 438 of 2017 registered
for the offence punishable under Sections 302, 120B and 34 of
the Indian Penal Code.

As per learned counsel for the petitioner, the
application for bail of the petitioner was earlier rejected vide
order dated 18.07.2018 (Anexure-I) passed in Criminal
Miscellaneous No. 29238 of 2018 giving liberty to the petitioner
to renew his prayer for bail after six months of framing of
charge. It is submitted that charge was framed in the case on
20.08.2018.



From perusal of the FIR, it transpires that the allegation against the petitioner and others including co-accused Ranjeet Kumar and Amarjeet Mahto is that they were threatening the brother of the deceased of dire consequences if he does not enter into a compromise in connection with a case lodged by him. It is alleged by the informant that in connivance with the other accused, petitioner has committed murder of his brother.

It is submitted by learned counsel for the petitioner that although four prosecution witnesses have been examined in course of trial, however, five prosecution witnesses still remain to be examined. Further none of the four prosecution witnesses claimed to be the eye witness to the occurrence. In course of deposition they only raised suspicion, similar to the suspicion raised by the informant in the FIR.

Having heard learned counsel for the parties and taking into consideration the observation in the earlier order of rejection dated 18.07.2018, the grant of bail to co-accused Ranjeet Kumar and Amarjeet Mahto vide order dated 29.05.2019 in Cri. Misc. No. 15325 of 2019 and that the petitioner is in custody since 14.03.2018, this court is inclined to enlarge the petitioner on bail. Accordingly, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Danapur in connection with S.Tr. No. 501 of 2018 arising out of Naubatpur P.S. Case No. 438 of 2017.

However, as the trial of the petitioner is continuing, the petitioner is directed to remain present in the court below on each and every date of the trial. In case of the petitioner's absence on two consecutive dates for the reasons not to the satisfaction of the court below, the court below may cancel his bail bond.

(Partha Sarthy, J)

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