

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76821 of 2018

Arising Out of PS. Case No.-64 Year-2005 Thana- GOPALPUR District- Gopalganj

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Pappulal Sriwastawa @ Pappu Prasad Sriwastawa @ Pappu Sriwastawa @
Sangeet Kumar S/o Kanhaiya Prasad, R/o Village- Tiwari Matihiniya, P.S.-
Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 17.5.2018 in a case registered for the offences punishable under Sections 307 and 302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the Fardbeyan of Krishna Yadav recorded by SI Ramagya Roy dated 26.12.2005 at 4.00 P.M., is to the effect that on the same day at 2 P.M. Jai Prakash Yadav, the contractor and the SDO, Rajak Sah came and started inspecting the road construction work, thereafter, when the contractor Jaiprakash reached on the western side of the bridge for inspection, in the meantime, the informant heard the sound of indiscriminate firing and he got himself hidden and after some time, the contractor Jaiprakash Yadav was found dead



soaked with blood and some labourers and children of the village were also injured. The FIR was lodged against four unknown but during investigation, name of the petitioner sprang up as the person who conspired in killing the victim.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up after one year of the occurrence. It is further submitted that the petitioner is accused in seven other cases but in all those cases, name of the petitioner transpired in the confessional statement of co-accused.

Learned APP submits that there is no eye witness to the occurrence but the petitioner's name transpired in the confessional statement of co-accused as the person who was instrumental in killing the deceased.

Considering the investigation already being concluded, no direct evidence being collected against the petitioner during investigation and the period under custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM XII, Gopalganj in connection with Gopalpur P.S. Case No.64 of 2005.

Since the petitioner is having serious criminal



antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions or he involves in commission of serious offence.

(Dinesh Kumar Singh, J)

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