

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25797 of 2019**

Arising Out of PS. Case No.-654 Year-2017 Thana- FORBESGANJ District- Araria

Narayan Tatma, Son of Late Anup Lal Tatma, Resident of village- Naya Nagar, Lahsanganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 07.09.2017 in connection with Forbesganj (Simraha) P.S. Case No. 654 of 2017, for offences punishable under Section 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his brother Amod Choudhary was taken away by the petitioner and another co-accused Vidyanand Tatma from the house, thereafter ten named accused including the petitioner started beating his brother with lathi, danda and bricks which was informed by one Arjun Paswan. During course of treatment, the brother of the informant succumbed to the injury.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. The allegations are general and omnibus and some of the co-accused have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 43650 of 2018 dated 24.09.2018, Cr. Misc. No. 68154 of 2018 dated 20.12.2018 and Cr. Misc. No. 77526 of 2018 dated 15.01.2019. He submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him although of a different nature.

Considering the nature of allegations, the period of custody and that on similar allegations other co-accused have been granted the privilege of bail, let the petitioner above named be enlarged 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 Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No. 654 of 2017, subject to the conditions:-

- (1) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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