

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40834 of 2019

Arising Out of PS. Case No.-57 Year-2017 Thana- BELA INDUSTRIAL District-
Muzaffarpur

Sumit Kumar Son of Ashok Kumar Resident of Village Kyoli Khurd, Tahsil
Khurja, P.S. Anariya, District- Bulandsahar (U.P.), at present driver of SSB
Camp, Bela, Muzaffarpur ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Shashank Shekhar, Advocate

For the Opposite Party : Mr.Shyameshwar Dayal, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-09-2019 Heard learned counsel for the parties and perused the
case diary.

Petitioner is an accused in a case registered for the
offence punishable under sections 302/34 of the Indian Penal
Code.

It is alleged by the informant that one SSB rang up
her husband and called him. Thereafter, driver of SSB camp,
Sumit Kumar (the petitioner) came to her house with whom her
husband went to the SSB camp at 4 AM. Soon thereafter, at 5
AM said Sumit Kumar (petitioner) returned to the house of the
informant carrying her husband on his shoulder, who was
senseless. On being asked, he said that her husband has got
electrocuted, who will become normal after some rest.
Informant immediately took him to the hospital where he was
declared dead.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case on the basis of suspicion. Police, in course of investigation, has checked the Call Details Report of concerned mobile numbers but the CDR does not support the timing of call as alleged by the informant in her FIR. Further, there is no eye witness to the occurrence. Learned counsel further submits that the post mortem report shows that the deceased sustained two injuries which fact is not supported by the prosecution case. Petitioner has no criminal antecedent and he is in custody since 28.3.2019. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence.

Learned counsel for the informant vehemently opposes the prayer for bail.

In view of the facts and circumstances of the case, prayer for bail to the petitioner is allowed. Let the petitioner, mentioned above, 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 Additional Chief Judicial Magistrate cum Sub Judge XII, Muzaffarpur in Bela Police Station Case No. 57 of 2017 on the following conditions:-

(1) 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.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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