

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.42666 of 2019

Arising Out of PS. Case No.-141 Year-2015 Thana- DULHIN BAZAR District- Patna

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SUNIL VISHWAKARMA, (Male), aged about 42 years, Son of Prem Vishwakarma, Resident of Village - and P.S.- Dulhin Bazar, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navesh Nandan
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 11-09-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Earlier petitioner's application for grant of regular bail was rejected by order as contained in Annexure 1.

Informant is father of the deceased who in his written complaint has stated that his son Uday Kumar had gone to



Dulhin Bazar to celebrate Ganpati Puja on 23.09.2015 left home at 4 p.m.. He also along with family members came to witness the Ganpati Puja at 8.30 p.m. and while he was witnessing the Puja at about 9 p.m., Shyamdev Yadav, Sahja Yadav, Alakh Yadav, Albela Yadav, all sons of Rajendra Yadav and Sunil Bishwakarma, Anil Bishwakarma, Sanjay Bishwakarma, Dhananjay Bishwakarma, all sons of Prem Bishwakarma were also wandering near the place of Puja and he apprehended that Shyamdev Yadav and his wife were in inimical terms with them and at 10.30 p.m. when his son was near Pan Gumti, he also followed him and saw Shyamdev Yadav ordered to kill Uday Kumar upon which Sunil Bishwakarma took out pistol from his waist and fired upon his son as a result of which he fell down. He was carried to Primary Health Center, Dulhin Bazar where doctors declared him dead. On the basis of said written complaint, F.I.R. was instituted on 24.09.2015.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to enmity against Shyamdev Yadav and his family. Even in the written complaint, informant has alleged enmity against Shyamdev Yadav and his family and nothing has been stated against the petitioner or his family. Petitioner has got no



criminal antecedent and is in custody since 30.09.2015.

Considering the period of custody and also in view of the fact that petitioner has got no criminal antecedent, 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 Sessions Trial No.549 of 2016 arising out of Dulhin Bazar P.S. Case No. 141 of 2015, 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)

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