

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50029 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- AMDABAD District- Katihar

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Fekan Singh S/o Nakul Singh R/o village- Tingharia Chowk Chamma, P.S.-
Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Amdabad P.S. Case No. 21 of 2019**, registered for the offence punishable under Sections 364, 379, 201 and 34 of the Indian Penal Code.

Prosecution case in brief is that on 28.01.2019 at 9.00 p.m. the informant got information that all the named accused persons variously armed along with four to five unknown persons taken away his elder brother namely, Sunil Yadav @ Kalu at the side of bank of river Ganga and brutally assaulted him by their respective arms. The informant alleged that all the accused persons killed his brother and threw his dead-body in the river Ganga.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner is innocent and has falsely been



implicated in this case. There is no eye-witness of the occurrence. There is no specific allegation against this petitioner. Save and except suspicion, there is nothing against this petitioner. Charge-sheet has already been submitted. Petitioner is in custody since 04.04.2019 having clean antecedent.

Learned counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is named in the F.I.R. and at para 34 of the case diary, co-accused Lakhan Yadav has disclosed that he saw the petitioner along with other accused persons on the alleged date of occurrence which shows his involvement in the alleged crime.

Considering the facts aforesaid and the fact that petitioner is in custody for more than seven months and except suspicion there is nothing against this petitioner, the petitioner above-named, is directed to 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 **Judicial Magistrate Ist Class, Katihar** in connection with **Amdabad P.S. Case No. 21 of 2019**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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