

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74301 of 2018**

Arising Out of PS. Case No.-140 Year-2015 Thana- BALRAMPUR District- Katihar

TAPAN KUMAR DAS Son of Rajendra Kumar @ Rajendra Das Resident of
Village-Rangpur,P.S. Balrampur,Distt.-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Md. Ashlam Ansari

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

4 01-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved twice for bail which was rejected by order dated 08.08.2017 passed in Cr. Misc. No. 29924 of 2017 and order dated 21.03.2018 passed in Cr. Misc. No. 9215 of 2018.

Petitioner is languishing in judicial custody since 04.01.2016 in connection with Sessions Trial No. 129 of 2016 arising out of Balrampur P.S. Case No. 140 of 2015 for offences punishable under Sections 302/324/307/120(B)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant Kiran Kumari is that the petitioner and one Raju Das came to her house and while his step mother was sleeping along with her



12 year old sister Rupali Kumari and his father was sleeping in the Varandah the petitioner along with Raju Das assaulted his step-mother with knife and also found her father dead stained with blood. The informant was also assaulted by the petitioner and another co-accused Raju Das.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, and was the nephew of the father of the informant and due to personal enmity, the petitioner has been made accused in the present case. He submits that trial has not yet been concluded although earlier the direction was given to the learned court below to conclude the trial within six months but only eight witnesses out of 13 charge-sheeted witnesses have been examined. He submits that the petitioner is languishing in judicial custody since more than three years and trial has not yet been concluded. Petitioner undertakes to cooperate in the trial on day to day basis if enlarged on bail.

However, learned counsel for the State opposes the prayer for bail stating therein that the petitioner along with co-accused had committed double murder.

Considering the nature of allegations and that the trial has not yet been concluded, 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 Additional District Judge-V, Katihar, District-Katihar in connection with Sessions Trial No. 129 of 2016 arising out of Balrampur P.S. Case No. 140 of 2015, 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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