

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.346 of 2019

Arising Out of PS. Case No.-25 Year-2018 Thana- MIRGANJ District- Gopalganj

Bidya Singh s/o late Ramdhari Singh r/o village chand Pati, PS Mirganj,
district Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 28-01-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner, who is in custody, seeks bail in
connection with Session Trial No. 342 of 2018 arising out of
Mirganj P.S. Case No. 25 of 2018 registered for the offence
punishable under Sections 363, 365 of the Indian Penal Code
and subsequently added 302, 201 and 34 of the Indian Penal
Code.

Informant has alleged in his written complaint that
his nephew had gone with co-accused Suresh Sah and Suresh
Sah returned to the house but his nephew did not return. Later
on his dead body was found.

It has been submitted on behalf of the petitioner that
petitioner is not named in the FIR. His name has surfaced in this
case on the basis of confessional statement of co-accused Suresh
Sah, who has already been granted bail by this Hon'ble Court in
Cr. Misc. No. 41692 of 2018. The doctor has opined the cause



of death due to asphyxia as a result of throttling and smothering.
Petitioner has no criminal antecedent and he is in custody since
14.03.2018.

Learned Counsel for the informant has vehemently
opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of
the case, let the petitioner named above be released on bail upon
furnishing bail bond of Rs. 10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of learned
A.D.J. 5th, Gopalganj, in connection with Session Trial No. 342
of 2018 arising out of Mirganj P.S. Case No. 25 of 2018 subject
to the conditions that:-

(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 his absence on two
consecutive dates without proper and sufficient
reason the trial court will be at liberty to cancel his
bail bond.

(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.

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(S. Kumar, J)

