

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24196 of 2016

Arising Out of PS.Case No. -282 Year- 2015 Thana -MASAURHI District- PATNA

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1. Hulas Prasad @ Hulas Prasad son of Late Chamari Prasad @ Charmari Das, a resident of Bari Bigha, P.s.- Kadriganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar &
Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-06-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 302 and 120(B)/34 of the Indian Penal Code.

Though, the petitioner, besides others, is named in the first information report vide Annexure-1 as an accused, but taking into consideration the fact that the entire prosecution version against the petitioner is based on suspicion and surmises on account of pending land dispute, and further taking into consideration the fact that no person has come forward to claim to be an eye witness of actual occurrence of murder, and also taking into consideration the period of incarceration already undergone by the petitioner since 14.10.2015, and further taking into consideration that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IV, Patna in connection with Sessions Trial No. 180 of 2016 arising out of Masaurhi P.S. Case No. 282 of 2015 subject to the conditions that :

(A) one of the bailors must be a government servant or close family members of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bond of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Amin/-

(Birendra Prasad Verma, J)

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