

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8711 of 2018

Arising Out of PS.Case No. -591 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Amardeo Prasad, Son of Deonath Prasad, Resident of Village- Batrauliya,
P.O.- Madhubani Ghat, P.S.- Motihari, Muffasil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-03-2018 Heard learned counsel for the petitioner, Informant and

learned counsel for the State.

The petitioner has been in custody since 03.11.2017 in
connection with Motihari Muffasil P.S. Case No. 591 of 2017 for
the offence registered under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that only on
the basis of suspicion that the petitioner was having an illicit
relationship with the daughter-in-law of the informant, the
petitioner has been taken into custody. It is further submitted that
save and except suspicion, there is no material in the case diary
also to support the allegations as made out in the first information
report.

Learned counsel appearing on behalf of the informant



however, submits that earlier also the petitioner had manipulated to send the son of the informant to jail and thereafter, the petitioner in conspiracy with the daughter-in-law with whom he is having illicit relationship has given shape to this incident and caused the murder of the informant's wife.

Diary of the present case was called for which has since been received.

Learned counsel for the State after perusal of the case diary submits that apart from the allegations, as made out in the first information report, the diary does not indicate that there is any cogent material and none of the villagers have come forward to support the story of illicit relationship or dispute on account of election. However, it is submitted that there is also no eye witness to the occurrence and the case is based on pure suspicion.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Muffasil P.S. Case No. 591 of 2017, subject to the following conditions:-

- (1) One of the bailors will be his own



blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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