

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6544 of 2020

Arising Out of PS. Case No.-354 Year-2019 Thana- PAHARPUR District- East Champaran

VISHAL KUMAR @ SUBHAM KUMAR SINGH Son of Umesh Singh
Resident of Village - Bharwaliya, P.S.- Malahi, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Sharda Nand Mishra, Advocate
For the State	:	Ms Renuka Ratnakar, APP
For the Informant	:	Mr Sanjay Kumar No 7, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 28-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Sharda Nand Mishra, learned counsel for the petitioner, Ms Renuka Ratnakar, learned APP for the State as well as Mr Sanjay Kumar No 7, learned counsel for the informant.

Petitioner seeks bail in Paharpur (Malahi) Police



Station (for brevity, PS) Case No 354 of 2019 instituted for the offence punishable under Sections 302/34 of Indian Penal Code and Section 27 of Arms Act.

The dead body of informant's father has been found on the *Machan* in the wee hours at about 5 am. The informant has lodged the first information report wherein he has named the instant petitioner. Petitioner's implication is due to the fact that one week, prior to the death of informant's father, the instant petitioner had allegedly threatened him with life based on a dispute in respect of a road between the petitioner and informant's father (since deceased). Mr Mishra for the petitioner submits that other than such suspicion based on alleged threats meted out by the petitioner, there is nothing to implicate the petitioner in the alleged murder of the informant's father. The petitioner has no criminal antecedent and on the basis of such suspicion, he is in custody since 08.11.2019.

The learned APP for the State and learned counsel for the informant have opposed the prayer for bail. They have submitted that the informant has reiterated the allegations in the case diary and witnesses have supported the threats meted out by the petitioner one week prior to the occurrence and, therefore, the petitioner's role in the killing cannot be ruled out.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in Paharpur (Malahi) PS Case No 354 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court concerned.



The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Chief Judicial Magistrate, East Champaran, Motihari and the competent authority of the State in terms of Clause (4) i of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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