

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6418 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- SIKARPUR District- West Champaran

Shayamsunder Prasad @ Shyamsundar Prasad @ Birendra Prasad @ Virendra Prasad @ Sosindra Prasad Son of Late Mathura Prasad Resident of Village- Pokhariya, Ward No.5, P.S.-Shikarpur, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anish Akhtar, Advocate
For the Opposite Party/s	:	Mr. Chaubey Jawahar, APP
For the informant	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

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

Heard learned counsel for the petitioner, informant as well as learned APP for the State.

The petitioner seeks bail in Shikarpur P.S. case No. 420 of 2019 instituted for the offence under Section 302/34 of the IPC.

The case of the informant is that the dead body of his



son with its head severed has been recovered from an under construction house of one Sheikh Haroon. On recovery of the dead body, the First Information Report has been lodged, wherein, he has named 09 accused persons, including the instant petitioner. The implication is on the basis of belief that all these persons together have killed his son to death.

It is submitted by the petitioner's counsel that having no criminal antecedents the petitioner is in custody since 16.10.2019. There is no eye-witness to the occurrence. No specific overt act has been attributed against the petitioner. The implication is merely on the basis of the informant's "belief". He submits that the petitioner has been implicated on extraneous consideration since he was appearing as a witness in Title Suit No. 50 of 2012 pending in the Court of learned *Munsif, Narkatiaganj*, West Champaran between the informant and his agnates. The petitioner, who is not an agnate, has, thus, been roped in.

The learned counsel for the State opposed the prayer for bail. The learned counsel for the informant has also made submissions to the extent that the petitioner is specifically named in the F.I.R.

Considering the rival submissions this Court is



inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the **Chief Judicial Magistrate, West Champaran at Bettiah** in connection with **Sikarpur P.S. Case no. 420 of 2019**, subject to the following conditions:-

(i) 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 bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) 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 lockdown 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 bond 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 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **Chief Judicial Magistrate, West Champaran at Bettiah**, 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 the Patna High Court.

(Madhuresh Prasad, J)

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