

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18194 of 2020

Arising Out of PS. Case No.-195 Year-2019 Thana- UJIYARPUR District- Samastipur

AMRESH KUMAR Son of Upendra Prasad Resident of Village-Belamegh,
P.S.-Ujjiyarpur, District-Samastipur. Petitioner

Versus

The State of Bihar Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

For the Informant : Mr. L.K.Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-06-2020 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 and the learned APP for the State as also the learned Counsel appearing for the informant.

Petitioner seeks bail in Ujiyarpur PS Case No. 195 of 2019, S.T. No. 628 of 2019 registered under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act.

The prosecution case is that the informant came to learn from someone that on 1.9.2019 while her husband was returning home at about 10 PM in the night he was done to death by the petitioner. The allegation is based on the fact that the petitioner along with six other persons were seen moving on the same road, on which the informant's husband was returning.

Learned Counsel for the petitioner submits that it is a case of false implication. The prosecution case is based on hearsay



and there is no eye witness of the occurrence. It is also submitted that motive for the occurrence is attributed against co-accused Parmanand Prasad who has been allowed bail in Cr. Misc. No. 1355 of 2020. Other co-accused Rudra Pratap Arya has been allowed bail in Cr. Misc. No. 696 of 2020. The petitioner is on bail in Ujjiarpur PS Case No. 241 of 2018 pending against him since before. He is in custody in connection with this case from 4.11.2019 when he had voluntarily surrendered in the court below

Learned APP has opposed the prayer for bail. Mr. Laxmi Kant Yadav has also opposed the prayer for bail on behalf of the informant by submitting that the petitioner is a named accused.

Considering the rival submissions this court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, Dalsinghsarai, Samastipur. in Ujjiarpur PS Case No. 195 of 2019, S.T. No. 628 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.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

