

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18163 of 2020

Arising Out of PS. Case No.-150 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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ANTU SINGH @ SRIKANT SINGH Son of Charitar Singh Resident of
Village - Malpur, P.S. - Khodawandpur (Chhaurahi O.P.), District - Begusarai.
presently Residing at C/O Bhagina of Arvind Singh, Village - Mehda Sahpur,
P.S. Cheria Bariarpur, Distt. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr Dashrath Mehta, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 31-08-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

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 learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Cheria Bariarpur
Police Station (for brevity, PS) Case No 150 of 2019 dated
08.10.2019 instituted initiated for the offence punishable under



Section (s) 363, 364, 120B Indian Penal Code (for brevity, *IPC*).

The first information report alleges that when the informant was at his house, 5 named accused persons including the petitioner had taken away his brother and subsequently dead body of the informant's brother was recovered leading to Section 302 of IPC being added in the case. Earlier, case diary was called for.

It is submitted by petitioner's counsel that allegation is based on suspicion. There is no eye witness. The persons, who are said to have stated about the 5 – 6 persons including the petitioner assaulting the informant's brother, have not been examined. The petitioner has been acquitted in the earlier case arising out of Cheria Bariarpur PS Case No 32 of 2016.

The learned counsel for the petitioner has further claimed parity with co-accused B P Singh, having similar allegations, and it is submitted that he has been allowed bail by this Court in Cr Misc No 15057 of 2020 by order dated 13.08.2020. Petitioner is in custody since 19.11.2019 and that charge sheet has already been submitted in this case.

The learned counsel for the informant as well as the learned APP for the State have opposed the prayer for bail stating that there is direct allegation and the motive is also



attributed against the petitioner for the alleged occurrence.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariarpur Town PS Case No 150 of 2019 dated 08.10.2019 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)

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