

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20621 of 2020

Arising Out of PS. Case No.-788 Year-2017 Thana- Hilsa District- Nalanda

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Shishupal Kumar @ Pallu, aged about 25 years (male) son of Arun Kumar,
resident of village – Pendapur, Police Station – Hilsa, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

03. 20.08.2020 Heard Mr. Anil Kumar Singh, learned counsel for

the petitioner and Ms. Asha Kumari, learned APP for the

State.

The present petition has been filed for grant of bail

to the petitioner in Sessions Trial No. 527 of 2018, CIS

No. 254 of 2018, arising out of Hilsa P. S. Case No. 788

of 2017, which was instituted for the offences under

Sections 302 / 34 and other Sections of the Indian Penal

Code.

The prayer for bail of the petitioner was twice

rejected earlier, which orders have been annexed with



the bail petition.

The petitioner is in custody since 16.01.2018.

The learned counsel for the petitioner has informed this Court that one of the last witnesses for the prosecution is left to be examined.

Considering the afore-noted aspects of the matter, I am not inclined to grant bail to the petitioner.

The prayer for bail is rejected.

The petitioner, however, presses the prayer for provisional bail for two weeks as his father has died on 16th of August, 2020. An Interlocutory Application has also been filed in that regard but the same is not on record today.

However, taking into account the oral submission of the counsel for the petitioner, especially that the petitioner is the eldest son of his father and because of his remaining incarcerated, his younger brother who is 17 years of age had to perform the last rites, this Court is inclined to accede to the prayer made in the



Interlocutory Application for provisional bail to the petitioner for two weeks.

The petitioner shall be released on provisional bail by the trial court on it being satisfied about the correctness of the statement made by the petitioner that his father has died on 16th of August, 2020 and that the Shradh ceremony is to be performed on 25th of August, 2020.

The provisional bail shall be granted on the petitioner furnishing bonds in the sum of Rs. 20,000/- with two sureties of the like amount to the satisfaction of learned Additional District and Sessions Judge, Hilsa, Nalanda, in connection with Sessions Trial No. 527 of 2018, CIS No. 254 of 2018, arising out of Hilsa P. S. Case No. 788 of 2017.

One of the bailors of the petitioner shall be his close relative.

The petitioner shall furnish his mobile telephone number at the time of filing his bail bonds which shall be



transmitted to the Officer Incharge of the concerned Police Station.

The petitioner would keep his mobile in operative condition and shall surrender before the Court below positively on the expiry of the period of the provisional bail.

In the event of petitioner failing to surrender before the court below on time, the trial court shall take immediate / appropriate steps for taking the petitioner in custody.

The Interlocutory Application for grant of provisional bail is allowed with the aforesaid conditions.

(Ashutosh Kumar, J)

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