

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23524 of 2020

Arising Out of PS. Case No.-639 Year-2019 Thana- DANAPUR District- Patna

SITU KUMAR Son of Laldeo Ray @ Jitu Rai Resident of New Mubarakpur,
Bijapat Nagar, Chanmari Road, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel 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 and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Danapur P. S. Case No. 639



of 2019 instituted for the offence under Section(s) 302, 120B read with section 34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case is that one day prior to the alleged killing, the assailant Chuchu Prasad along with various others, including the petitioner was quarreling in front of the informant's shop. On the day of killing, FIR alleges that one from the said mob, namely, Chuchu Prasad came and shot at the informant's brother which resulted in his killing.

The petitioner's counsel submits that petitioner is named as one amongst various persons, including four named other accused persons who were present at the spot on the previous day when the quarrel had taken place. At best, the allegation is of being part of the unlawful assembly. Specific allegation is against co-accused Chuchu Prasad. It is further submitted that petitioner has no criminal antecedents and he is in custody since 28.04.2020. Learned counsel for the petitioner further undertakes that charge sheet has been submitted and that he would appear in the trial so as to facilitate its expeditious conclusion.

Learned APP opposed the prayer for bail by submitting that petitioner was member of unlawful assembly.



Considering the aforesaid, 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 ACJM-1, Danapur, Patna, in connection with Danapur P.S. Case No. 639 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)

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