

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24732 of 2020

Arising Out of PS. Case No.-186 Year-2019 Thana- JOKIHAT District- Araria

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Anil Basra @ Anil Besra, Son of Sri Ram Besra, Resident of Village-
Laluwawari (Baharbari), P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Manoj Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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.

The petitioner seeks bail in connection with Jokihat P.S. Case No.186 of 2019 registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code.

The prosecution case of the informant is that on seeing the body of her son hanging on a tree, she has opined that



he has been murdered. Prior to hanging, he had gone to reside with his “Mausa” Dhumma Basuki.

Counsel for the petitioner submits that the petitioner has been implicated on the confessional statement of Dhumma Basuki. Other than suspicion, there is nothing on record to implicate the petitioner. Confessional statement of co-accused has no evidentiary value. Dhumma Basuki with whom the victim was residing prior to hanging, has been allowed bail in Cr.Misc. No.74339 of 2019, vide order dated 05.03.2020. The petitioner is in custody since 21.01.2020.

Learned APP for the State has opposed the prayer for bail.

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 learned Chief Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.186 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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