

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27444 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- BELDOUR District- Khagaria

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BUDHIN MIAN S/o Late Sudir Mian @ Late Md. Sudhir @ Late Mohammad Sudhir Resident of Village- Sukhaybasa, P.O- Dighaun, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv.

For the Opposite Party/s : Mr. Umanath Mishra APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 14-12-2020 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.

Mr. Umanath Mishra, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

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 Beldaur P.S. Case no.115 of 2019, instituted for the offence under Sections 302, 120B/34 of the I.P.C. and Section 27 of the Arms Act.

The petitioner is alleged to have called the informant's son from his house. Along with other co-accused, namely, Jubeda Khatun @ Jubaida Khatoon it is alleged that they fired upon his son which hit his back, and left side of his temple causing his death.

It is submission of the petitioner's counsel that the case is one of false implication. Only general and omnibus allegation has been made. There is no specific allegation attributed against the petitioner and because of his criminal antecedents based on seven cases pending against him since before, in which, he is already on bail, he has been falsely implicated in this case. Co-accused persons, namely, Jubeda Khatun @ Jubaida Khatoon and Subhash Yadav have already been granted bail in Cr. Misc. Nos. 3116 of 2020 and 17747 of 2020 respectively.

The learned APP has opposed the prayer for bail.



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 J.M. 1st Class Khagaria, in connection with Beldaur P.S. Case no. 115 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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