

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27908 of 2020

Arising Out of PS. Case No.-398 Year-2019 Thana- KORHA District- Katihar

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Arun Kumar Singh, Son of Late Sahdeo Singh, Resident of Village- Jaganathpur, P.S.- Mahnar, District- Vaishali, at present village- Fulwaria @ Fulwaria Milik, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dronacharya, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 21-12-2020 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 Korha P.S. Case No.398 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code.



The case of the prosecution is that the informant has received a telephonic message from his villagers at Katihar regarding killing of his son by the petitioner and other co-accused persons. The informant, admittedly, at that time was at Mahnar in the district of Vaishali.

Learned counsel for the petitioner submits that from the prosecution case, it is obvious that the FIR has been lodged on information, but who has given the information has not been disclosed in the F.I.R. Father, mother and wife of the deceased have supported the allegation, though none have claimed to have witnessed the occurrence. The motorcycle of the deceased was found near the house of co-accused Lakhan Murmu. The petitioner has been implicated in this case as there was some subsisting dispute regarding sale and purchase of certain lands which has also come in the case diary. Petitioner bears a clean antecedents as per the statement made in the petition. He is in custody since 19.05.2020.

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 the learned Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No.398 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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