

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27906 of 2020

Arising Out of PS. Case No.-206 Year-2018 Thana- BHAGWANPUR District- Vaishali

RAKESH KUMAR Son of Jaglal Sahni Resident of Village Jahanabad
Ataulpur, P.S. Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-12-2020 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.

Mr. Umanath Mishra, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

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

Petitioner seeks bail in Bhagwanpur PS Case No. 206 of 2018 registered under Sections 394 and 302 of the IPC.

The informant's brother, as per prosecution case, has been



killed by two unknown persons at the Customers Service Center.

Learned Counsel for the petitioner submits that the informant is not the eye witness to the occurrence even as per prosecution case. Petitioner's implication is based on his confessional statement recorded while in custody in connection with Bhagwanpur PS Case No. 231 of 2018. He has been remanded in this case from the said case on 12.2.2020 and since then he is in jail. Neither there is any T. I. Parade to connect the petitioner with the instant case nor there is recovery of any incriminating material so as to suggest his involvement. The petitioner is already on bail in Bhagwanpur PS Case No. 231 of 2018.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM III Vaishali at Hajipur in Bhagwanpur PS Case No. 206 of 2018 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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