

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29025 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- HILSA District- Nalanda

AJEEM MIYA Son of Late Rajjak Miya Resident of Village- Dargah Road,
P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate
For the Informant	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Ram Chandra Singh, 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. Ram Chandra Singh, 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 as also the learned Counsel representing the informant.

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 Hilsa PS Case No. 71 of 2020



registered under Section 302/34 of the IPC.

Prosecution case is that the petitioner asked the brother of the informant to accompany him and both have together left for work. Brother of the informant did not return, whereafter inquiries were made. Dead body of the informant's brother has been discovered next morning near Posanda Dor river. The body manifests killing as certain injuries have been found on the dead body.

Mr. Thakur, learned Counsel appearing for the petitioner, submits that from the prosecution version it is apparent that the informant's brother was not forcibly taken away by the petitioner and that he had accompanied him in routine manner to go for work. The bonafide of the petitioner is evident from the fact that he has been arrested while he was coming back after offering prayer in the mosque, as he has not fled away. It is further submitted that upon his arrest he has immediately stated that he along with the victim had consumed liquor on the fateful day and thereafter while returned home together, whereafter they parted ways. There is no eye witness of the occurrence. The petitioner has no criminal antecedent and he is in custody since 21.3.2020.

Learned Counsel for the informant and the learned APP have opposed the prayer for bail. They have submitted that it is apparent that this petitioner had gone with the informant's brother, whereafter his dead body has been recovered. Statement of the petitioner recorded in police custody and the story narrated by him are unbelievable.

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 Ist Hilsa, Nalanda in Hilsa PS Case No. 71 of 2020 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)

SNkumar/-

U		T	
---	--	---	--

