

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24733 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- MINAPUR District- Muzaffarpur

RAJESH KUMAR S/o Suraj Prasad @ Suraj Bhagat Resident of Village-
Mustafaganj, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rajesh Kumar, Advocate
For the Opposite Party/s : Mr Abhay Kr No I, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **25-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels 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.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Minapur (Meenapur) Police Station (for brevity, *PS*) Case No 15 of 2020 instituted for the offence punishable under Sections 302/34, 120B of Indian Penal Code and Section 27 of Arms Act.



Prosecution case is that the informant's son had gone with the petitioner, later joined by two other persons also. It is stated that later on, the informant came to know that his son has been done to death.

Learned counsel for the petitioner submits that son of the informant had gone allegedly with the petitioner at 8 pm on 05.01.2020. It is not alleged in the First Information Report (for brevity, *FIR*) that the son of the informant was forcibly taken away by the petitioner. The alleged murder has been done later, but on 05.01.2020 itself. However, FIR has been lodged on 08.01.2020 under extraneous circumstances. There is no recovery of any firearm from the petitioner. The petitioner, as per statement in the petition, bears a clean past and he is in custody since 16.01.2020.

The learned APP for the State has opposed the prayer for bail. It is submitted that in fact the petitioner had taken away the informant's son and he cannot escape his criminal liability.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Judicial Magistrate, 01st Class (East), Muzaffarpur in Minapur
(Meenapur) PS Case No 15 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.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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