

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28987 of 2020**

Arising Out of PS. Case No.-204 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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PAHARI RAM @ SURAJ RAM @ NEPALIA S/o Late Shivjee Ram
Resident of Village-Dalit, Basti Private Bus Stand, Ward No.8, P.S.-
Madhubani Town, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ravi Prakash, Advocate

For the Opposite Party/s : Mr Prem Kumar Jha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2020 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.

Mr Prem Kumar Jha, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Madhubani Town Police



Station (for brevity, PS) Case No 204 of 2019 dated 10.06.2019 instituted for the offence punishable under Sections 457, 380 of Indian Penal Code.

The informant has alleged burglary in his house while he was away and several articles have allegedly been stolen.

It is submitted by the petitioner's counsel that merely on the confessional statement of co-accused, the petitioner has been implicated in this case having regard to his criminal antecedents. On account of such implication, having no legal sanctity, he is in custody since 30.07.2019 in connection with this case though there is no recovery of any incriminating article from his possession and he has not even been put on Test Identification Parade.

The learned APP for the State has opposed the prayer for bail. It is submitted that there is criminal antecedent of the petitioner.

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 Chief Judicial Magistrate, Madhubani in Madhubani Town PS Case No 204 of 2019 dated 10.06.2019 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.

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)

M.E.H./-

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