

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25526 of 2020

Arising Out of PS. Case No.-1089 Year-2018 Thana- DEHRI TOWN District- Rohtas

PARSURAM BHUIYA S/o Late Chhathu Bhuiya R/o Village- Bihari bigha
Bal (Bhuiya Tola), P.S.- Dalmiya Nagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Satyendra Pandey, Advocate
For the Opposite Party/s : Mr Surendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 **14-12-2020** 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 Dehri (Dalmiya Nagar) Police Station (for brevity, *PS*) Case No 1089 of 2018 instituted for the offence punishable under Section 302 of Indian Penal Code.



The prosecution case is that the petitioner has called the informant's son. The son has gone with the petitioner and subsequently, it is alleged that the petitioner intimated the informant that his son has fallen down near the Angan Bari Center, where his dead body has been found.

It is submitted by the petitioner's counsel that the circumstance of having been last seen with the deceased has led to his false implication in this case. His bona fide is evident from the fact that he has intimated the informant regarding his son being lying on the road and merely on his confessional statement, which has no evidentiary value, the petitioner is now in custody since 05.03.2019, having no criminal antecedent.

The learned APP for the State has opposed the prayer for bail.

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 Additional Sessions Judge VIII, Rohtas at Sasaram in Sessions Trial No 358 of 2019 arising out of Dehri (Dalmiya Nagar) PS Case No 1089 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.

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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