

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25716 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- DUMRA District- Sitamarhi

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BINOD PRASAD @ GAJENDRA KUMAR Son of Bachkun Sah Resident of Village- Rampur Naranga, P.S. - Bela, District - Sitamarhi, presently residing at Nahar chowk, National Public School, Ward No. 07, PS Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-11-2020 Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Dumra P.S. Case No. 6 of 2020 registered under sections 302, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that the four named accused persons came and called his minor son for accompanying them to the stadium. It is further stated that the petitioner, who is a teacher also asked him on telephone to let his son go to the stadium. On his son not returning, on inquiries being made, it transpired that the five accused persons including the petitioner herein had murdered



his son. It is further stated that about five days ago the five accused persons had come to the house of the informant, threatened the informant and had also shown knife to him in the school.

It is submitted by learned counsel for the petitioner that except for an unsubstantiated suspicion raised by the informant in the FIR, there is no other material against him. Admittedly, there is no eye witness to the occurrence and the only material that has come in the course of investigation is the confessional statement of a co-accused Raj Ranjan made before the police, which is inadmissible. It is submitted that even in his confessional statement, he mentions about prior enmity of co-accused Manish Kumar with the son of the informant and that the petitioner even otherwise has no motive for committing the alleged occurrence. The petitioner has no criminal antecedent and is in custody since 10.1.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the fact of the petitioner having no criminal antecedent and being in custody since 10.1.2020, the



Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Dumra P.S. Case No. 6 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

(Partha Sarthy, J)

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