

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30346 of 2020**

Arising Out of PS. Case No.-114 Year-2018 Thana- SIMRA District- West Champaran

LALBABU MIAN, Son of Late Sattar Mian, Resident of Village- Bairati,  
P.S.- Semra (Chiutaha O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Uma Nath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      15-12-2020                      Since 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.

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

The petitioner seeks bail in connection with Semra (Chiutaha) P.S. Case No.114 of 2018 registered for the offence punishable under Section 302/201/34 of the Indian Penal Code.

The petitioner's application for bail has twice been rejected. First rejection order is dated 03.12.2018 passed in Cr.Misc. No.70398 of 2018 and the second rejection order is



dated 03.03.2020 passed in Cr.Misc. No.49026 of 2019.

The allegation as per the prosecution case is that the accused persons have killed the son of the informant and thrown his dead body in the paddy field. On receiving information, when the informant rushed to the place of occurrence, the dead body was being carried by the petitioner along with one other co-accused person.

Petitioner's counsel submits that in so far as the allegation of causing death by assault is concerned, there is no difference between the petitioner and other five co-accused persons. Co-accused Gheghan Mian and co-accused Imamuddin Mian have already been allowed bail in Cr.Misc. No.79015 of 2018 and Cr.Misc. No.9402 of 2020. The petitioner, however, has remained in custody since 01.09.2018 i.e., more than two years. The petitioner is a man of clean antecedents.

This Court, vide earlier order dated 23.11.2020, had called for a report from the court concerned regarding the stage of the trial. The report indicates that the charges have also not been framed till date.

Learned APP for the State has opposed the prayer for bail. It is submitted that the informant has seen the petitioner along with one co-accused carrying the dead body of the victim.



Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Firoz Akram, learned Judicial Magistrate, 1<sup>st</sup> Class, Bagaha, West Champaran, in connection with Semra (Chiutaha) P.S. Case No.114 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

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