

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30355 of 2020**

Arising Out of PS. Case No.-124 Year-2019 Thana- LAKHNAUR District- Madhubani

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ASHARFI PASWAN Son of Late Bipat Paswan Resident of Village -
Gunakarpur, P.S. - Lakhnour, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr Fahimuddin, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-11-2020 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 Fahimuddin, 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 Lakhnour Police Station (for brevity, PS) Case No 124 of 2019 (GR No 795 of 2019)



instituted for the offence punishable under Sections 341, 323, 302, 201/34 of Indian Penal Code.

The informant has alleged that his sister has been done to death in her matrimonial home.

Learned counsel for the petitioner submits that the petitioner is not a member of the in-laws' family of the informant's sister. He is aged about 72 years, has no criminal antecedent and at best, the allegation against him is that he has helped and facilitated cremation of the dead body. The submission is of false implication and that the petitioner is now in custody since 06.06.2020.

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 Chief Judicial Magistrate I, Jhanjharpur, District - Madhubani in Lakhnour PS Case No 124 of 2020 (GR No 795 of 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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