

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 35062 of 2020**

Arising Out of PS. Case No.-183 Year-2020 Thana- OBRA District- Aurangabad

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NARESH SINGH S/o Late Chhedi Singh Resident of Village-Chapra, P.S-  
Obra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2     **18-12-2020**             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 has filed an interlocutory application seeking provisional bail on the ground that he is the only son of his widow mother who has died on 8<sup>th</sup> of December, 2020. The cremation was done on 10<sup>th</sup> of December, 2020 and, therefore,



the *Shradh* ceremonies are to be conducted on 21<sup>st</sup> and 22<sup>nd</sup> of December, 2020. Being the only son, it is prayed that the petitioner may be allowed to participate in the same and discharge his obligations.

Petitioner's counsel had made a mention for listing the matter in such circumstances. Mentioning was allowed on 12.12.2020 by the Motion Bench which directed for urgent listing of the matter. By the time, the matter came to be listed before this Court, fresh bail applications pending in the weekly allotment have already been disposed of. In view of the standing instructions that the fresh matters (regular bail) be listed at the top, petitioner's bail application came to be listed at the top of the list and the matter was placed at serial No 1 before this Court in compliance of the Motion Bench order. Since this is the only fresh bail application and since it has been listed at serial No 1, the matter is being considered on merit instead of the prayer for provisional bail.

The petitioner seeks bail in Obra Police Station (for brevity, *PS*) Case No 183 of 2020 dated 21.07.2020 instituted for the offence punishable under Sections 302, 201/34 of Indian Penal Code.

The prosecution case is that at about 11.30 am, the



informant received information regarding a dead body lying on *Dusyani Badhar*. When he went there to see the dead body, he found that it was of his brother Ajit Kumar. Information has been lodged that the brother was missing since 10 pm, the previous night and that he suspected co-villagers Basudev Ram, Anant Kumar, Munna Kumar, Lav Kumar and 3 – 4 unknown persons have committed the murder.

Petitioner's counsel submits that even in the prosecution case, which is solely based on suspicion, the petitioner has not been named in the First Information Report (for brevity, *FIR*). He is a petty farmer having no criminal antecedent and the allegation whatsoever is against the named co-accused persons. Petitioner's name has been added in this case, two days after institution of the FIR merely because one of the witnesses, who was examined in the course of investigation, has stated that the petitioner was seen at his fields at 2 am. The alleged *Gamcha* and shawl of the deceased have been recovered from the fields and that has led to the petitioner's implication, which is far fetched. The petitioner, in fact, had gone to his field to breach the ridge so as to allow the water flow to his paddy field. No incriminating article has been recovered from the petitioner's possession and merely on the suspicious



circumstances, he is in custody now since 31.07.2020, on which date he has been arrested from his home. This circumstance also points to the bona fides of the petitioner as otherwise he would have fled away.

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 Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in Obra PS Case No 183 of 2020 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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