

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 78729 of 2019**

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAOLI District- Nawada

BIRU PANDIT Son of Late Lochan Pandit Resident of Village - Suarleti, at
present Hardiya, Sector-D, P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rajeev Nayan, Advocate

For the Opposite Party/s : Mr Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 09-09-2020 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 Sessions Trial No 219 of 2019/208 of 2019 arising out of Rajauli Police Station (for brevity, PS) Case No 36 of 2019 dated 02.02.2019 instituted for the offence punishable under Section (s) 302/34, 12B of Indian



Penal Code, Section 27 of Arms Act and Sections 15, 18, 20 of UAP Act.

The petitioner is alleged to have fired gunshot on the head of the informant's father leading to his death. The earlier application for bail (Cr Misc No 32698 of 2019) was rejected by this Court on 17.08.2019. The petitioner had raised the plea of alibi. Today, when the matter is taken up, placing reliance on copies of deposition of the witnesses including informant (son of the deceased) and brother of the deceased, petitioner's counsel submits that none of the material witnesses have supported the allegation at the trial. The petitioner is now in custody for more than one and half years, i.e., since 27.02.2019.

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 X, Nawada in Sessions Trial No 219 of 2019/208 of 2019 arising out of Rajauli PS Case No 36 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.

(Madhuresh Prasad, J)

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