

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15590 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Bittu Pal (M) aged about 25 years, S/o- Surya Prakash Pal Resident of
Village- Durgawati Bazar, P.S.- Durgawati, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Smt Renu Kumari A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 12-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Durgawati P.S. Case No. 208 of 2020, registered for the offence under Section 365 of the Indian Penal Code and later on, Section 302/34 of the I.P.C. was added in the FIR.

As per the prosecution case, on 06.08.2020 at 10 PM, the son of the informant, aged about 22 years, had left the house, but thereafter, he could not return. On this information, the FIR was lodged against unknown.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. The only material, which has come during course of investigation against the petitioner, is that the SIM, from which, last call was made on the mobile phone of deceased



was registered in the name of one Durgesh Pal, who disclosed that said SIM has been used by his younger brother Bittu Pal i.e. petitioner. Save & except this, there is no other material against the petitioner to connect him with the aforesaid crime. Petitioner claims clean antecedent and he is in custody since 09.08.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the fact that save & except suspicion, there is no other material against petitioner to show his involvement in the aforesaid crime and petitioner has got clean antecedent, the bail petition of petitioner is allowed.

Let the above named petitioner 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 learned Addl. Sessions Judge – XI, Bhabhua, Kaimur in connection with S.Tr.No. 90 of 2020, arising out of Durgawati P.S. Case No. 208 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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