

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15314 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- BIHPUR District- Bhagalpur

SHIV BALAK PRASAD Son of Late Binda Paswan Resident of Village -
Potahi, P.S.- Punpun, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.V.Ranjan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, when the informant's nephew and his family members were coming to their parental house, accused persons, who were police men and were in civil dress, intercepted them and abused them. On protest, they assaulted the informant's nephew with lathi, butt of rifle and took him to the Police Station and finally they handed over to the family in injured condition. Victim was taken to the hospital where he died during course of treatment.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR and at the relevant time he was not posted at Bihpur Police Station rather he was posted at Kadwa OP under Dholbgajja Police Station. In support of the same, he has annexed Annexure 2. It is further submitted that during course of investigation two of the witnesses have been examined who have not named this petitioner nor they have made any allegation against him. Test Identification Parade has not been carried out till date. Charge sheet has already been submitted. Petitioner is in custody since 31.10.2020.

Learned counsel appearing for the State and the informant oppose the prayer for bail.

Considering the rival submissions of the parties and materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st, Naugachia (Bhagalpur) in Bihpur Police Station Case No. 443 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without



sufficient reason, his/her 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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