

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18245 of 2021**

Arising Out of PS. Case No.-478 Year-2020 Thana- AKBARPUR District- Nawada

MEWALAL VISHWAKARMA S/o Late Bhagwan Das Vishwakarma R/o
village- Gosaibigha, P.S.- Akbarpur, District- Nawada (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pramod Kumar Verma, Advocate

For the Opposite Party/s : Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Akbarpur Police Station
(for brevity, *PS*) Case No 478 of 2020 instituted for the offence
punishable under Sections 302, 379/34 of Indian Penal Code
and Sections 25 (1-b) a/26/27/35 of Arms Act.

While the informant was moving behind the
motorcycle on which his brother was riding with his cousin
sister, they have been stopped and attacked. There is specific
allegation that co-accused Awinash Singh, Babloo Singh and
Bhutani Singh @ Subodh Singh have fired upon informant's
brother leading to his death.



Learned counsel for the petitioner submits that petitioner's name has surfaced in the course of investigation merely for the fact that it is stated that he was using the motorcycle for sometime. Submission is that implication is on account of his criminal antecedent though there is no material whatsoever to connect the petitioner with the instant occurrence. In the five cases pending against him, he is stated to be on bail. In the instant case, there is not a whisper of allegation against the petitioner. He is in custody in connection with this case since 28.08.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. 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 Chief Judicial Magistrate, Nawada in connection with Akbarpur PS Case No 478 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./-

U		T	
---	--	---	--

