

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23637 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- AMARPUR District- Banka

SURENDRA PRASAD DAS @ SIKANDAR DAS @ SIKANDER S/O
LATE BHUTTI DAS RESIDENT OF VILLAGE MAINMA PS AMARPUR,
DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **03-12-2021** This case has been taken up today for consideration
through Video Conferencing.

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 Amarpur Police Station
(for brevity, *PS*) Case No 214 of 2020 instituted for the offence
punishable under Sections 302/34, 120B of Indian Penal Code
and Section 27 of Arms Act.

Informant has alleged that her husband was taken
away by co-accused Bipin, Kalu and Sujesh for availing his
barber services. Thereafter, he has not returned. Dead body has
been recovered.



Petitioner's counsel submits that one of the persons, who allegedly had taken away the informant's husband, is the son of the petitioner. On such basis, petitioner, having no criminal antecedent, has been implicated in this case. Referring to the column of accused persons in the First Information Report (for brevity, *FIR*), it is submitted that petitioner is not named accused person and the order of Additional Sessions Judge III, Banka, in so far as it has recorded that the petitioner is named in the FIR, is an error of record. Two other persons, similarly situated, namely, Vidio Das and Jitendra Das have been allowed bail by this Court in Cr Misc No 30142 of 2020 by order dated 27.11.2020 whereas the petitioner continues to be in custody since 14.12.2020.

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, Banka in connection with Amarpur PS Case No 214 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)

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