

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24052 of 2021
Arising Out of PS. Case No.-745 Year-2020 Thana- AKBARPUR District-
Nawada

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ARVIND KUMAR Son of Prakash Mahto Resident of Village - Pachrukhi,
Police Station - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr Tapeswar Sharma, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 **03-06-2021** This case has been taken up today for consideration
through Video Conferencing.

Learned counsel for the petitioner has mentioned this
matter for out of turn / priority list.

This Court would consider it appropriate to take note
of the fact that supplementary affidavit has been filed in this
case stating that petitioner is the only son and that he is required
for performing the last rites of his mother who has died on 31st
of May, 2021. The matter has been taken up for consideration
on priority basis on merits in view of the said supplementary
affidavit having been filed.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Akbarpur Police Station
(for brevity, PS) Case No 745 of 2020 instituted for the offence



punishable under Sections 307, 353 of Indian Penal Code and Sections 37 (c), 45 of Bihar Prohibition and Excise Act, 2016.

When Sub Inspector of Police has gone to arrest the petitioner in connection with Akbarpur PS Case No 693 of 2020, it is alleged that the petitioner ran away from his house and concealed himself in his uncle's house from where he has tried to evade the arrest and attempted to push the informant from the roof. It is also alleged that he was in an inebriated condition.

Petitioner's counsel has made submissions on the merits of the bail application. It is submitted that in Akbarpur PS Case No 693 of 2020, the petitioner has already been allowed bail by the lower Court itself. In the instant case, he is in custody since 13.12.2020. The Informant has not sustained any injuries, and the petitioner has falsely been implicated on extraneous considerations.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, subject to the verification of the factum of death of petitioner's mother on 31.05.2021 and that the petitioner being the only son of his deceased mother, as disclosed in the supplementary affidavit filed in these proceedings, by the Court concerned from the



local PS, 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 II -cum- Special Judge, Nawada in Akbarpur PS Case No 745 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./-

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