

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35573 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- NIRMALI District- Supaul

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Balram Kumar Bishwas @ Balram Kumar S/O Hari Shankar Bishwas R/o
village- Dighiya, Ward No. 9, P.S.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogendra Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP-100)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Nirmali P.S. Case No. 117
of 2020, registered for the offence punishable under Sections
302/34 of the Indian Penal Code.

As per the prosecution case, informant's husband has
left his house along with co-accused Dashrath, but he did not
return. It is suspected that all the FIR named accused persons
including this petitioner and some unknown persons committed
murder of the husband of informant.

It is submitted on behalf of the petitioner that save and
except suspicion there is no material against this petitioner.
There is no eye-witness of the occurrence. Petitioner has been



made accused in this case simply because he is son of co-accused Harishankar Bishwas, as the informant saw her husband dead in the house of Harishankar Bishwas. During course of investigation, no substantive evidence has come against this petitioner which shows his complicity in the aforesaid crime. Petitioner is in custody since 20.07.2020 having clean antecedent. Investigation.

Considering the period of custody and nature of accusation, the petitioner above-named, is directed to 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 the learned Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Nirmali P.S. Case No. 117 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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