

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28509 of 2020

Arising Out of PS. Case No.-207 Year-2019 Thana- SAHARSA District- Saharsa

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BABAN SHARMA @ BABAN DAS Son of Resham Lal Das Permanent resident of Village- Bagrauli, P.S.- Bakhtiyarpur, District- Saharsa at present resident of Mohalla- Sant Nagar, Ward No.15, Saharsa, P.S.- and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-01-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody since 05.03.2020 in connection with Saharsa Sadar P.S. Case No. 207/2019 registered for the offences punishable under Sections 302/120 (B)/34 of the Indian Penal Code.

As per the prosecution case, on 05.03.2019 at 04:00 P.M. Aniket Kumar and Dinkar Kumar came to the house of the informant and told his son to go to attend a marriage ceremony. His son departed with them on a motorcycle, but when his son did not come back late night, he searched for his son, but he could not be traced out. Then the informant went to the house of these two boys, who were not present there. On being contacted



on mobile phone, they said that they will be back in the next morning, but did not come and he was informed to search his son near Karu Khirhari Halt and on search, the dead-body of his son was found lying near the railway track. Subsequently, suspicion was raised against Aniket Kumar, Dinkar Kumar, Naval Yadav, Manoj Sah and Mahendra Yadav who used to threaten the son of the informant.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. The name of the petitioner has come during course of investigation in the supervision note of Dy. S.P. There is no eye-witness to the occurrence. Though, petitioner has got criminal antecedents and he is accused in 8 cases, but he is on bail in six cases and in rest two cases he has been acquitted as stated in paragraph No. 3 of the petition. Petitioner is in custody since 05.03.2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 207/2019, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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