

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32225 of 2020**

Arising Out of PS Case No.-134 Year-2020 Thana- MINAPUR District- Muzaffarpur

Kailash Prasad, aged about 45 years, Gender- Male, Son of Dhaneshwar Prasad, Resident of Village-Mushachak, P.S.-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kumar Alok, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-01-2021

Heard Dr Alok Kumar Alok, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Minapur PS Case No. 134 of 2020 dated 23.04.2020, instituted under Sections 365/302/201/120(B)/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of killing the son of the informant.

4. Learned counsel for the petitioner submitted that the daughter of the petitioner and son of the informant both died due to unnatural reasons at SKMCH, Muzaffarpur. It was submitted that the daughter of the petitioner was cremated after lodging of an



FIR and postmortem in which the informant side has been made accused, whereas in the present case the son of the informant also died but the body was cremated by them hurriedly before filing any case or postmortem. Learned counsel submitted that witnesses have stated that the informant side took the deceased on the same tempo on which the daughter of the petitioner was also taken to SKMCH, Muzaffarpur. It was submitted that the petitioner having no criminal antecedent is in custody since 28.04.2020 as has been recorded in the order of the Court below. It was submitted that the petitioner having no criminal antecedent is in custody since 28.04.2020.

5. Learned APP submitted that the allegation against the petitioner is of killing the son of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Minapur PS Case No. 134 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate



in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

8. However, the main application supported by affidavit shall be *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

(Ahsanuddin Amanullah, J.)

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