

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35146 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- HARNAUT District- Nalanda

Akhilesh Prasad @ Pandit Jee @ Narendra Nath, aged about 35 years, Male,
S/o Chandradeo Prasad, R/o Village- Gadanpura, P.S.- Chandi, District-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Senior Advocate Mr.Anil Kumar Choudhary, Advocate
For the State	:	Mr.Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard Mr. Yogesh Chandra Verma, learned senior
counsel assisted by Mr. Anil Kumar Choudhary, learned counsel
for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Harnaut
(Kalyanbigha) P.S. Case No. 113 of 2020 registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

The prosecution case in brief is that as per F.I.R. of
informant Sudhir Kumar, Chaukidar, 8/6 Kalyanbigha O.P. is
that on 16.03.2020 at about 6 A.M. during course of visiting
Mahal of Dihara village, he went on the Bandh of Dhoba river
and saw a dead body of unknown person worn sky coloured
shirt and cream coloured paint lying there and there was a black



mark on his neck. Thereafter, he informed the S.H.O. then the dead body sent for postmortem after due verification. The informant suspected that some unknown persons have killed this unknown man by pressing his neck and threw his dead body with intention to hide.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. There is no any witness of the occurrence. On the basis of suspicion, the petitioner had accused in the present case. He further submits that on the basis of the statement of the co-accused, the petitioner has been made accused in the present case. He further submits that the petitioner is in jail custody since 29.05.2020 and the petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

Considering this fact that there is admitted fact that there is no eye witness and only on suspicion, the petitioner has been made accuse in the present case. Learned counsel for the petitioner submits that the charge has been framed against the petitioner.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Biharsharif, Nalanda in connection with Harnaut (Kalyanbigha) P.S. Case No. 113 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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