

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.259 of 2021**

Arising Out of PS. Case No.-174 Year-2020 Thana- AMARPUR District- Banka

BALRAM SHARMA son of Late Shivdutt Sharma Resident of Village-
Mahota, P.S.- Amarpur, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Bishwanath Prasad Singh, Sr. Advocate
For the Opposite Party/s :	Mr. Harendra Prasad, A.P.P.
For the Informant :	Mr. Devendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-04-2021 Learned Senior Counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Harendra Prasad, learned A.P.P. for the State and learned counsel for the informant.

Petitioner in the present case is seeking regular bail in connection with Amarpur P.S. Case No. 174 of 2020 registered for the offences punishable under Sections 120(B), 302, 34 of the Indian Penal Code.

Learned Senior Counsel representing the petitioner submits that in the present case the F.I.R. has been lodged against one Parmanand Thakur alleging that he has got the



brother of the informant killed.

Learned Senior Counsel submits that there is no eye witness to the alleged occurrence, however, Police has falsely implicated the petitioner by extracting his confessional statement in Police custody. It is further submitted that the confessional statement of the petitioner has not led to any recovery of any incriminating article from the possession of the petitioner.

It is further pointed out that the petitioner has got one criminal antecedent and in the said case he is on bail.

On the other hand, learned A.P.P. for the State and learned counsel for the informant have jointly opposed the prayer for bail of the petitioner. It is submitted that from about 200 meters from the place of occurrence one Gamchha (a piece of cloth) has been found and the same is said to be belonging to the co-accused Natua who has participated in the alleged occurrence.

Considering the facts and circumstances of the case, wherein save and except the confessional statement of the petitioner extracted in the Police custody, no material at all has been pointed out to this Court to connect him with the present killing of the brother of the informant, let the petitioner above



named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 174 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

