

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.376 of 2021

Arising Out of PS. Case No.-285 Year-2019 Thana- KUDHNI District- Muzaffarpur

MD. SHAIYARE SON OF ASHRAF ALIAS MD. ASHRAF RESIDENT OF
VILLAGE and P.O. - SUMERA @ SUMERA BARA @ AFZALPUR, P.S. -
KURHANI, O.P. - TURKI, DISTRICT - MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Kudhani (Turki O.P.) PS Case No. 285 of 2019 registered under Sections 302, 120B and 34 of the IPC.

Three named co-accused persons namely Amit Kumar, Tilak Sharma and Prem Sah have allegedly shot dead the informant's son.

Learned Counsel for the petitioner submits that he is not named in the FIR. Based on his confessional statement, having no evidentiary value, the petitioner is in custody since 17.2.2020. As per CDR the petitioner has allegedly been talking to the named co-accused persons. Tilak Kumar, one of the named accused persons, has been allowed bail in Cr. Misc. No. 64306 of 2019. Petitioner is on bail in other two cases pending against him.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM 3rd West, Muzaffarpur in Kudhani (Turki O.P.) PS Case No. 285 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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