

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1354 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- DARBHANGA District-
Darbhanga

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PAPPU PURBEY S/o Bishwanath Purbey R/o Mohalla- Shivajee Nagar, P.S.-
Darbhanga Town, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shailendra Kumar Jha, Advocate
For the S t a t e : Mr Anil Kr Singh No 1, APP
For the I n f o r m a n t: Mr Ashok Kr Sinha, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 31-05-2021 In view of sudden resurgence of COVID – 19 infection, there is limited functioning of the Court and, therefore, the matter has been listed today for consideration through Virtual Mode.

Heard learned counsel for the petitioner, informant and the learned APP for the State.

The petitioner seeks bail in Darbhanga Town Police Station (for brevity, *PS*) Case No 222 of 2020 instituted for the offence punishable under Sections 302/34 of Indian Penal Code.

The informant has alleged that the petitioner and other accused persons had come to his house, called his brother and taken him at a distance from the house near the Madrasa. The informant also followed them and saw various named accused



persons including the petitioner. They assaulted the informant's brother by various means resulting in his death.

Petitioner's counsel submits that FIR specifically names the co-accused Sajjan Kumar of inflicting knife blow on neck of the deceased. The allegation that all accused persons have assaulted, by various means, is not corroborated by the post mortem report which has found only two knife injuries on the deceased. The petitioner has been named in this case as he was having friendly relations with the main accused Sajjan Kumar. Further submission is that on account of his antecedents in five earlier cases, as per paragraph 3 of the petition, he has been named in this case. The petitioner is on bail in all the five cases pending against him. Petitioner's counsel further submits that the petitioner stands acquitted in Town PS Case No 18 of 2010 which has been mentioned at the third serial in paragraph 51 of the case diary. In the instant case, he is in custody since 11.08.2020.

Learned APP as well as learned counsel for the informant have opposed the prayer for bail. It is stated that the petitioner is named in the First Information Report and is a man of criminal antecedent.

Considering the rival submissions, prayer for bail is



allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in Darbhanga Town PS Case No 222 of 2020, corresponding to CRI No 2324 of 2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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