

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2236 of 2021

Arising Out of PS. Case No.-452 Year-2019 Thana- BARHARA District- Bhojpur

RAJ KUMAR BIND Son of Lakathu Bind Resident of Village - Farna, P.S.-
Barhara, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Sarbottam Kr Sarkar, Manoj Kr Singh,
Advocates

For the Opposite Party/s : Mr Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 16-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*) for the
State.

The petitioner seeks bail in Barhara Police Station (for
brevity, *PS*) Case No 452 of 2019 instituted for the offence
punishable under Sections 302, 201 of Indian Penal Code.

The husband of the informant had gone to attend the
call of nature in the garden. After sometime, she heard that the
petitioner had throttled him. She went to search in the garden
and after some time, the instant petitioner was apprehended. He
has disclosed that he killed the informant's husband where after



the body has been recovered from a well.

Learned counsel for the petitioner submits that the murder was not premeditated. A trivial dispute over tobacco led to an altercation in which the victim has suffered loss of life. Referring to the material that has come in the course of investigation, it is submitted that in a free fight, the killing has occurred at the spur of the moment.

Learned APP has opposed the prayer for bail. It is submitted that the informant has named the petitioner and he has confessed his guilt. Prayer for bail of the petitioner, therefore, deserves to be rejected.

Considering the aforesaid, 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, Bhojpur at Ara in connection with Barhara PS Case No 452 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.

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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