

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7428 of 2021

Arising Out of PS. Case No.-501 Year-2020 Thana- PHULWARISHARIF District- Patna

MD. BANTI SON OF MD. HALIM RESIDENT OF VILLAGE -
CHUNAUTI KUAN, P.S. - PHULWARISHARIF, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP 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 Phulwarisharif PS Case No. 501 of 2020 registered under Sections 302, 120(B) and 34. of the IPC.

The informant's son had gone out of the house and did not return. His dead body has latter been found with the fire arm injury on his head.

Learned Counsel for the petitioner submits that the petitioner's name has surfaced in this case based on statement of co-accused Md. Chand. Such statement has no evidentiary value. Further submission is that the implication is based on subsisting dispute with the victim since before and suspicion arising therefrom.



The petitioner is in custody since 17.9.2020.

Learned APP has opposed the prayer for bail. It is submitted that in the investigation material regarding petitioner's rivalry with the victim has been collected and the petitioner is accused in one more case, Phulwarisharif PS Case No. 428 of 2019, in which however he is on bail as per statement made in para 3.

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 IX, Patna in Phulwarisharif PS Case No. 501 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.

(Madhuresh Prasad, J)

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