

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7361 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Surendra Ram Gender- Male, aged about 62 years, Son of Khedan Ram,
Resident of Village- Jamira Police Staton- Arrah Muffasil in the District of
Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr Sunil Kumar Advocate
For the State : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner and learned counsel for the State

3. The petitioner seeks bail in Arrah Muffasil P.S. Case No. 173 of 2020, instituted for the offence under Section 302/34 of the Indian Penal Code.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. Since 03.06.2020 the informant's son was missing. The mother of missing son has given intimation in this regard. The dead body of the informant's son was recovered two days later and this has led to lodging of the case where suspicion has been raised against the petitioner and other co-accused persons based on quarrel which has taken place some time back.



6. The learned counsel for the petitioner submits that other than suspicion there is nothing on record to connect the petitioner with the alleged killing of the informant's son. The petitioner has no criminal antecedents and the learned Sessions Judge, Bhojpur at Ara, while rejecting the prayer for bail, has recorded that no direct evidence has come against the petitioner even in the course of investigation. There is no eye witness to the occurrence and, under such circumstances, the petitioner continues to be in custody since 13.08.2020.

7. The learned APP has opposed the prayer for bail. It is submitted that based on a previous quarrel, the petitioner has been implicated in this case by name.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **ACJM VII Arrah Bhojpur**, in connection with **Arrah Muffasil P.S. Case No. 173 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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