

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11120 of 2021

Arising Out of PS. Case No.-351 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

JAI KUMAR SON OF SRI NITISH KUMAR, R/O VILLAGE- SATPURA,
P.S.- GAIGHAT, DISTRICT- NORTH PARGANBA, KOLKATA (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 06-08-2021 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 Bochaha P.S. Case No. 351 of 2018 (Sessions Trial No. 257/2019) registered for offence punishable under sections 395/397 of the Indian Penal Code.

The informant has alleged that several accused



persons have entered into his house by breaking the grill of his window and they have indiscriminately assaulted the informant and his family members. Fukan Sheikh and the instant petitioner were caught by the informant and his family members and other five have decamped with the looted articles.

Learned counsel for the petitioner submits that the present case is false. There is no injury report to support the allegation of assault alleged by the informant and his family members. It is further submitted that the grill of the window has not been found broken during investigation. The petitioner has no criminal antecedent and he is stated to be in custody since 01.01.2019 and the petitioner's prayer was earlier rejected by this Court in Cr. Misc. No.35642 of 2019.

The learned APP has opposed the prayer. Based on the materials collected during the course of investigation, he has not pointed out any report regarding injury being sustained by the informant and his family members or that the I.O. has found the grill of window to be broken.

Considering the rival submissions and the period of custody, 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 Chief Judicial Magistrate, Muzaffarpur in Bochaha P.S. Case No. 351 of 2018 (Sessions Trial No. 257/2019), subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit 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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