

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13916 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- ADAPUR District- East Champaran

Jay Narayan Prasad Son Of Late Rameshwar Prasad @ Rajeshwar Prasad
R/O Village- Shyampur Bazar, P.S.- Adapur, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks form today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 147, 148,
341, 323, 324, 307, 427/34 and 120(B) of the Indian Penal
Code.

The prosecution case, in short, is that on 14.10.021 in the
night, informant's neighbour, Jai Narayan Prasad was quarreling
in his house after taking liquor. When the informant forbidden
them then, they started abusing. The informant has further



alleged that on next day, they started falling water of Nala at the door of the informant. After 4-5 days on 14.10.2021 in the night all the family members along with 10-12 unknown persons attacked on the house of the informant and committed murder of elder son of the informant causing hurt by means of knife and rod and caused serious injury due to which he died.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that earlier petitioner has filed Adapur P.S. Case No. 298 of 2021 against the informant and other for murder of his son namely, Rishi Raj which is much prior to Annexure-1. Further, it is submitted that the petitioner is aged about 61 years, suffering from Kidney disease and he is under medical treatment. The petitioner is in custody since 16.10.2021, charge-sheet has been submitted in the case and has antecedent of three cases.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the



learned J.M.-1st Class, East Champaran, Motihari in connection with P.S. Case No. 299 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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