

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37681 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- PHULWARISHARIF District- Patna

Bhushan Singh Son Of Late Jugad Singh, R/O Village- Basant Chak
(Bodhgawan), P.S.- Phulwarisharif, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

For the Informant : Mr. Saroj Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 597 of 2021 lodged under Sections
302/34 of the I.P.C.

As per prosecution case, the informant has disclosed
that she has received information on 31.07.2021 that her father-
in-law has been murdered at home by beating him with stones
and weapons. On hearing this information, the informant went
at the spot where she found that her father-in-law was laying
dead in pool of blood. The informant has raised strong suspicion
against 6 named accused persons including the present
petitioner indicating that the accused persons may caused death

to her father-in-law due to land dispute. The informant has also disclosed about an event which was taken place 5 year back in which the present petitioner has fired on the deceased, in this regard information was lodged before police but police was not taken any action.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 19.04.2022. Counsel further submits that there is no eye-witness of this occurrence and entire case has been filed by virtue of suspicion only.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is strong suspicion as well as strong motive is available against the present petitioner and therefore, his bail should be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IX,

Patna in connection with Phulwarisharif P.S. Case No. 597 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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