

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40868 of 2022

Arising Out of PS. Case No.-576 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

SANDEEP KUMAR @ LADDU KHARWAR @ LADDU S/O AWADHESH PRASAD @ AWADHESH KHARWAR Resident of Village- Baghara, P.S.- Siwan Muffasil, District- Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Siwan Muffasil P.S. Case No. 576 of 2021 under Sections 302, 201 and 34 of the Indian Penal Code.

As per the allegation in the F.I.R, the informant came to know that the dead body of his brother, Sunil Yadav is lying behind the house of Ram Awatar Mahto and upon information, he went there and saw the body hanging with the tree by a rope. He has alleged that on 04.11.2021, in the night, there was 'maarpeet' with one Pawan Kumar and Bal Prasad, who had threatened of dire consequences. Accordingly, the F.I.R was lodged.

Learned counsel for the petitioner submits that only



because of a '*maarpeet*' between Pawan Kumar and Bal Prasad with the deceased's brother of the informant, the accused persons have been roped in. However, it is a clear case of suicide but they have been dragged in. It is further submitted that in any case the '*marpit*' has been attributed to Pawan Kumar and Bal Prasad and in view of the fact that his name has also been incorporated in the F.I.R, he is in custody since 16.03.2022.

Learned APP for the State, on the other hand, submits that he is a named accused and he does not deserve bail.

Taking into account the fact that the '*marpit*' is attributed to Pawan Kumar and Bal Prasad, he is in custody since 16.03.2022 and charge sheet stands submitted this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil, P.S. Case No. 576 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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