

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61217 of 2021

Arising Out of PS. Case No.-420 Year-2019 Thana- SIKARPUR District- West Champaran

DHURA PRASAD @ DHURENDRA PRASAD Son of Late Bachchan
Prasad Resident of Village - Pokhariya, P.S.- Shikarpur, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code.

The case of the informant is that the dead body of his
son with its head severed has been recovered from an under
construction house of one Sheikh Haroon. On recovery of the
dead body, the First Information Report has been lodged,
wherein, he has named 09 accused persons, including the instant
petitioner. The implication is on the basis of belief that all these
persons together have killed his son to death.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of



suspicion. He further submits that altogether nine persons have been made accused in this case only on the basis of suspicion. Save and except the suspicion, no cogent material has come during course of investigation against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Shyamsunder Prasad @ Shaymsundar Prasad @ Birendera Prasad @ Virendra Prasad @ Sosindra Prasad has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.05.2020 passed in Cr. Misc. No. 6418 of 2020. The petitioner is rotting in judicial custody since 11.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Shikarpur P.S. Case No. 420 of 2019 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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