

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54361 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Binod Kumar @ Langra S/o Mauzi Prasad Lal Resident of Mohalla- Humad
Gali Nehru Tola, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the marriage of the daughter of the petitioner has been fixed on 08.12.2022 and supplementary affidavit has been filed in this regard.

Heard learned counsel for the petitioner and learned APP for the State.

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

In the present case, the petitioner seeks bail in connection with S.Tr. No. 1000 of 2022 arising out of Chowk P.S. Case No. 123 of 2022 registered for the alleged offences under Sections 302, 201, 34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.



As per prosecution case, the petitioner and two other co-accused persons threatened the father of the informant and told him to stop the construction work of his house. Later on, the informant was intimidated by the police that his father was shot dead. When he was taken to hospital he was declared brought dead. The informant named this petitioner and two other co-accused persons who conspired and murdered his father.

The learned counsel for the petitioner submits that the petitioner has not committed any offence and has been falsely implicated in this case. From the FIR, it is clear that the informant is not an eye-witness and even none of the witnesses have named the petitioner for his involvement. It is only on presumption and suspicion that the petitioner has been arraigned in this case. There was no dispute between the petitioner and the father of the informant. However, some altercation took place between the petitioner and the father of the informant over drainage of water. Learned counsel further submits that nothing incriminating has been recovered at the instance of the petitioner and there is no eye-witness to the alleged occurrence. Charges have been framed in this case and the petitioner is in custody since 16.03.2022.



Learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR and the father of the informant was shot dead. The petitioner is having criminal antecedent of two cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and lack of substantive material to connect the petitioner to the offence as alleged and further considering the period of custody and framing of charge against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IVth, Patna City, Patna in connection with S.Tr. No. 1000 of 2022 arising out of Chowk P.S. Case No. 123 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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