

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71975 of 2021

Arising Out of PS. Case No.-303 Year-2021 Thana- SURSAND District- Sitamarhi

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Avinash Kumar @ Awinash Kumar Son of Durga Ram Resident of Village -
Sursandh Ward No.- 16, P.S.- Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Chaubey, Adv.
For the Informant	:	Mr. Arun Kumar Mandal, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), 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
Sursand P.S. Case No. 303 of 2021, lodged under Sections
302/34 of the Indian Penal Code.

As per prosecution case, the allegation of murder of
the brother of informant against unknown persons is there in the
F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that name of petitioner has figured in this case by virtue
of self confessional statement after 24 days of his arrest before

the Police. He also submits that forcefully Police has taken confession of petitioner. He also submits that petitioner is in custody since 06.09.2021, having clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that case diary and antecedent report has been called for and as per the said report the antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is culprit and behind of such occurrence. He further submits that petitioner is in habit of taking wine and also runs the business of wine in the locality but learned counsel for the informant is not in a position to show to the Court any criminal case pending against the petitioner. The antecedent report demanded indicates, that there is no criminal antecedent of petitioner.

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 1st Class Judicial Magistrate, Pupri,

Sitamarhi in connection with Sursand P.S. Case No. 303 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 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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