

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- PARSABAZAR District- Patna

Bhimsen, Son Of Laxmi Manjhi, Resident Of Village - Sakraicha, P.S. - Parsa Bazar, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The Petitioner in the present case is seeking regular bail in connection with Parsa Bazar P.S. Case No. 166 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He in custody since 31.05.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 09.05.2021 at about 03:00 A.M. at night the father of the informant went to Chicken Garden where he works as a guard. At 05:00 A.M., the informant was informed that his father had been murdered by some unknown persons. On this,



when he reached there, he found that his father's head was smashed badly.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no eye witness to the alleged occurrence. The petitioner is in custody since 31.05.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that there is no eye witness to the alleged occurrence, the petitioner was arrested in this case after about 21 days and his confessional statement was extracted by police and that is the only material on which the prosecution case rests against the petitioner, the petitioner has remained in custody since 31.05.2021, investigation against him is complete and his presence may also be secured in course of trial, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge VIII Cum A.C.J.M., Patna, in connection with Parsa Bazar P.S. Case No. 166 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

