

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20789 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- MURAR District- Buxar

Banwari Kumar @ Banni, Son of Chandeshwar Ram @ Janeshwar Ram,
Resident of Village- Alpa, P.O- Jhinguri, P.S- Pauthu, Dist- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramji Kumar, Advocate

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Murar
P.S. Case No.31 of 2021 instituted for the offence punishable
under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the informant's son
(handicapped) was having a repair shop. There was some
business rivalry with one co-accused by the name of Bhagwati
Prasad. In the course of investigation, some material has also
surfaced regarding inimical terms with co-accused Vikas, based
on an affair with his sister. The petitioner and other co-accused
Shivam and Bhagwati Singh have hatched a conspiracy, under
which the informant's son has been done to death.



The learned counsel for the petitioner submits that other than confessional statement of the petitioner, there is no cogent material in the investigation. The motive, if at all, has been assigned against co-accused Vikas. The weapon used in assaulting the victim, which has led to his death, has been recovered, as per statement of co-accused Munna Singh (Jitendra Singh). In the evidence, there is no other material against the petitioner. There is no antecedents of the petitioner also. He has become a victim of the circumstances, as it was in his house that the co-accused persons were residing as tenants. The petitioner is in custody since 10.01.2022.

Learned APP for the State has opposed the prayer for bail. She has read various paragraphs of the case diary to show the materials, including confessional statement of the instant petitioner.

Considering the rival submissions, period of custody and nature of petitioner's implication, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned
Chief Judicial Magistrate, Buxar, in connection with Murar P.S.
Case No.31 of 2021, subject to the following conditions:

(i) That one of the bailors
will be a close relative of the
petitioner who will give an affidavit
giving genealogy as to how he is
related with the petitioner. The bailor
will also undertake to inform the court
if there is any change in the address of
the petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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