

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29677 of 2022

Arising Out of PS. Case No.-828 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Hemant Kumar, aged about 42 years, (Male), Son of Sri Vinay Sharma
Resident of Mohalla - Shramjivi Nagar, P.S.- Sadar, District - Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Udhav, Adv. Ms. Vaishnavi Singh, Adv.
For the State	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Sadar P.S. Case No. 828 of 2021 dated 11.12.2021, registered for the offence punishable under Sections 302, 201/34, 120(B) of the Indian Penal Code.

5-6 days after the informant's son left his home and when his dead body has been recovered, the First Information Report (for brevity 'F.I.R.') had been lodged wherein a strong suspicion has been raised that the petitioner is responsible for killing of his son because earlier they had created ruckus at the servicing centre of the deceased.

Learned counsel for the petitioner submits that other than the suspicion in the F.I.R., there is nothing to connect the petitioner with the occurrence. The petitioner is in custody since 14.03.2022. In the course of investigation, several witnesses have stated that they are neighbours and known to each other. This is apparent from the fact that petitioner is a named accused. The post-mortem report shows that the cause of death is drowning. The delay in lodging of the F.I.R.



is further manifestation of the afterthought based on which the petitioner has been implicated. He has one antecedent since before under the Arms Act, in which he is on bail.

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

Considering the rival submissions, the manner of petitioner's implication and the material in the investigation including the post-mortem report, 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, Muzaffarpur, in connection with Sadar P.S. Case No. 828 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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