

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52746 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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SAGAR KUMAR @ BHAVESH KUMAR ARUN KUMAR PRASAD @
DR. ARUN CHAURASIYA R/O VILLAGE- SHRIPUR HATI, P.S-
PANDAUL, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshul, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP
For the Informant : Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-08-2023 Heard Mr. Anshul, learned Counsel for the

petitioner, the State and Mr. Shailendra Kumar Jha, learned

Counsel for the informant.

The petitioner is an accused in connection with B.P.
No. 324 of 2023 arising out of Madhubani Town P.S. Case No.
69 of 2023 registered for the offences under sections 302 and 34
of the Indian Penal Code lodged on 05.03.2023 by the
informant, Kamaldeo Sharma.

As per the prosecution story, allegation is that when
the informant was at home, the petitioner came and he
alongwith the informant's son went on a motorcycle. Later, he
came to know that his son is in Sadar Hospital, Madhubani with



fire arm injury. On reaching there, found him unconscious, shifted to Darbhanga Medical College Hospital, Darbhanga but succumbed to the injuries on way. He had strong belief that Sagar Kumar (petitioner) and his friends cause those fatal injuries. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he is a student of 21 years of age, though it is case of a last seen, no further allegation is that anyone has seen the occurrence, only on the ground they went together, the informant has put entire accusation on him/his friends. His last submission is that he is in custody since 25.04.2023 (as stated in paragraph 11 of the bail application).

Mr. Jha, learned Counsel for the informant, on the other hand, submits that he was the last person with whom the informant's son travelled and as such, he has to be held accountable.

Though there is force in the submission of the learned Counsel appearing for the informant, in view of the fact that no one seen the occurrence, FIR lodged, the petitioner will be ultimately facing the trial, for the present, on the ground that he is a student, aged 21 years, do not have criminal antecedent, is in custody since 25.04.2023, this Court is inclined to extend him



privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 69 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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