

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.616 of 2023

Arising Out of PS. Case No.-576 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Bal Prasad Son Of Ram Ayodhya Prasad @ Ramayodhya Prasad Kharwar
Resident Of Village - Baghara, Police Station - Siwan Mufassil, District -
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 302, 201,
34 of the Indian Penal Code.

Petitioner is said to have committed murder of the
brother of the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case due to suspicion. He submits that there is no specific
allegation of assault is alleged against the petitioner and the
entire allegations are vague, general and omnibus in nature. He
submits that the Doctor/Medical Officer did not found any
injury upon the deceased Sunil Yadav rather found ligature mark



in inch and cause of death is due to Asphyxia. He submits that there is no eye witness of the case and the informant is also not eye witness of the case. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Siwan Muffasil P.S. Case No. 576 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and the further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He 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



and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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