

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12970 of 2019**

Arising Out of P.S. Case No.-16 Year-2014 Thana- ISUAPUR District- Saran

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1. PHULCHAND PRASAD @ PHULCHANDRA PRASAD (Male), aged about 35 years, Son of Vishwanath Prasad Resident of Village-Fenhara Gaddi, P.S.-Taraiya, District - Saran
  2. Shatrodhan Prasad @ Shatrohan Prasad (Male), aged about 25 years, Son of Mokhtar Prasad @ Mokhtar Raut, Resident of Village-Fenhara Gaddi, Police Station-Taraiya, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate  
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      05-03-2019                      Heard the learned counsel for the petitioners and  
learned counsel appearing on behalf of the State.

Petitioners seek bail in connection with Ishuapur  
P.S.Case No.16 of 2014 for the offence alleged under Sections  
328, 302 and 201/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is  
that his son was taken away by Sheo Prasan Raut and after that  
he did not return. On information his body was found and froth  
was coming out from his mouth. It is alleged that one Mofil  
Bind has stated that the victim was taking liquor and meat with  
the petitioners and other co-accused persons and has been given  
poison.

It has been submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the aforesaid case only on suspicion. He submits that there is no eye witness to the alleged occurrence and the petitioners undertake to cooperate in the trial on day to day basis, not to induce witnesses or tamper with the prosecution evidence. He further submits that one of the co-accused who had taken the informant's deceased son along with him and is alleged to be eating and drinking along with the deceased has been granted pre-arrest bail by a coordinate Bench of this Court in Cr.Misc.No.32220 of 2018 dated 29.06.2018. He submits that the petitioners have themselves surrendered before the court below after coming to the knowledge of the aforesaid case.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the nature of allegations and one of the co-accused has already been granted pre-arrest bail, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Ishuapur P.S.Case No.16 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Saran at



Chapra, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

**(Nilu Agrawal, J)**

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