

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14649 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- TANKUPPA District- Gaya

MUNNA PRASAD Son of Durga Raut Resident of Village - Belhari, P.S.-
Belaganj, District - Gaya, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-09-2020 Heard the learned counsel for the petitioner
and Sri Ashok Kumar, the learned APP for the
State.

This is an application for grant of anticipatory
bail in connection with Tankuppa P.S. Case No. 87
of 2019 registered for the offence punishable
under Sections 302, 201 read with Section 34 of
the Indian Penal Code.

The allegation is regarding the accused
persons including the petitioner herein having
taken away the son of the informant on the pretext
of attending a party, however, in the night when
the son of the informant did not return, search was



made and subsequently, the informant got a video on the mobile of his second son in which two dead bodies were shown lying at the alleged place of occurrence, whereupon the informant and his family members had rushed there and had identified the dead bodies lying there.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and though he is an accused in three other cases, but he is on bail in all the said three cases. It is further submitted that the name of the petitioner has transpired in the present case upon the confessional statement of the co-accused persons, namely, Babu Dhobi and Sujit Yadav @ Tirel Yadav, both of whom have already been granted bail by coordinate Benches of this Court vide order dated 04.02.2020 passed in Criminal Miscellaneous No. 2549 of 2020 and order dated 20.02.2020 passed in Criminal Miscellaneous No. 8209 of 2020. It is further submitted that some of the co-accused persons have already been granted anticipatory



bail vide Criminal Miscellaneous No. 83881 of 2019, Criminal Miscellaneous No. 86274 of 2019 and Criminal Miscellaneous No. 6517 of 2020. Lastly, it is submitted that the petitioner has not been named in the F.I.R.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the parity of the case of the petitioner with those co-accused persons, who have already been granted bail / anticipatory bail by coordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st, Gaya in connection with Tankuppa P.S.Case No. 87 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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