

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27685 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- SIKARPUR District- West Champaran

Brijesh Prasad Son of Bhotu Prasad Resident of Village - Pokhariya, P.S. -
Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Adv.
For the Opposite Party/s :	APP
For the informant :	Mr. Brij Kishore Mishra, Adv. Mr. Sachidanand Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 01-12-2020 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant through

video conferencing.

The instant application for regular bail has been
filed by the petitioner in connection with Shikarpur P.S. Case
No.420 of 2019 registered under sections 302 and 34 of the
Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that after receiving a telephone call on his mobile, his
son left home but did not return. In spite of search he could not
be found. It is stated that subsequently, the informant was
informed by one Sheikh Haroon that the dead body of his son
was discovered in his newly constructed house. It is stated by



the informant that he is convinced that the nine named accused persons including the petitioner herein, as also one Shyamsunder Prasad had murdered his son.

It is submitted by learned counsel for the petitioner that except for an unsubstantiated suspicion raised by the informant in the F.I.R., there is no other material against the petitioner. The petitioner has been falsely implicated in the case as he happens to be an agnate and there is a pending title suit (Title Suit No.50 of 2012) in the Court of learned Munsif, Narkatiaganj, West Champaran. It is submitted that the case of the petitioner stands on a similar footing to that the F.I.R. named co-accused Shyamsunder Prasad who has been enlarged on bail by order dated 28.5.2020 passed in Cr.Misc.No.6418 of 2020. The petitioner has no criminal antecedent and is in custody since 18.1.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is one of the named accused in the the F.I.R. but from the F.I.R. it would transpire that the son of the informant was murdered in a brutal manner by the accused persons by slitting his throat. It is submitted that the petitioner being an agnate and there being



land dispute between the parties, he has every reason to commit the crime.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties, grant of bail to the F.I.R. named co-accused Shyamsunder Prasad and the petitioner being in custody since 18.1.2020, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Shikarpur P.S. Case No.420 of 2019 on his furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah.

(Partha Sarthy, J)

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