

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34980 of 2021**

Arising Out of PS. Case No.-296 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

KANHAIYA PRASAD S/O LATE RAMDEO PRASAD RESIDENT OF
VILLAG-DHEKAHA FAKIRA TOLA, PS MUFFASIL, DISTRICT EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302, 120(B), 201, 379/34
of the Indian Penal Code.

As per the prosecution case, four co-accused persons,
named in the FIR, had taken away the husband of informant
from his house and later his dead body was found with his throat
slit open. The motive alleged in the FIR is that earlier to this
occurrence, a case was lodged in which one Sukhdeo Prasad and
this petitioner had gone to jail and in that case, father-in-law and
brother-in-law of the informant were witnesses. Aforesaid
Sukhdeo Prasad and this petitioner were smarting under the
aforesaid annoyance and therefore they have got the deceased



killed.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case only on suspicion. It is submitted there is no eye witness of the occurrence and save and except suspicion there is no direct or indirect evidence to show the involvement of this petitioner in the commission of aforesaid crime. It is further submitted that petitioner and the informant are agnates and they are residing side by side and as per FIR this petitioner and the informant were on inimical terms since long. It is also apparent from the FIR that deceased was accompanied by four persons and petitioner neither called upon the deceased nor seen with him as such even if the prosecution version is taken to be true, for the sake of arguments, no case u/s 302 of the IPC is made out against this petitioner. Similarly situated co-accused Subhash Prasad and Sanjay Prasad have already been granted bail by co-ordinate Benches of this court vide orders passed in Cr. Misc. No. 72693/2019 and in Cr. Misc. No. 20802/2021. Petitioner is in custody since 22.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.



Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil PS case No. 296/2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

