

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31695 of 2020

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

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Bir Bahadur Prasad, aged about 40 years (M), son of Ramchandra Prasad,
resident of village- Dhekha Fakira Tola, P.S.- Muffasil, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Tarkeshwar Nath Thakur, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

3. The petitioner apprehends arrest in connection with
Muffasil PS Case No.296 of 2019 dated 03.07.2019 instituted
under Sections 302, 201, 120-B, 379/34 of the Indian Penal
Code.

4. The allegation against the petitioner is that he,
along with three other persons, had called the husband of the
informant on the plea that co-accused, Sukhdeo Bhai and



Kanhaiya Bhai had called him and thereafter his dead body was recovered the next morning.

5. Learned counsel for the petitioner submitted that the deceased had inimical terms with co-accused Sukhdeo Bhai and Kanhaiya Bhai and he had no role in the said dispute and there was no occasion for him to go and call the husband. Further, it was submitted that there is also no motive for him to kill the husband of the informant. Learned counsel submitted that co-accused, Subhash Prasad @ Subash Prasad has been granted bail by a co-ordinate Bench by order dated 05.03.2020 in Cr. Misc. No.72693 of 2020.

6. Learned APP submitted that there is no reason for the informant to falsely implicate the petitioner as no instance of there being inimical terms has been shown. Further, it was submitted that the petitioner being one of the persons, who had called the deceased in the evening and next morning his body being recovered, obviously, cannot be said to be totally ignorant of what happened and the death had also occurred by cutting the neck of the deceased. Learned counsel submitted that co-accused, Subhash Prasad @ Subash Prasad, has been granted regular bail after being in custody for nearly eight months.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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