

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40671 of 2020**

Arising Out of PS. Case No.-46 Year-2020 Thana- BUNIYAD GANJ District- Gaya

PRATAP PRASAD @ VIJAY PRASAD son of Late Rambrichha Prasad
Resident of Village- Shekhabigha, P.S.- Buniyadganj and District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

3 08-04-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Buniyadganj P.S. Case
No. 46 of 2020, registered for the offence punishable under
Sections 302, 34 of the Indian Penal Code.

As per the prosecution case, on 31.03.2020 at about 5
to 6 am, on hearing hulla, informant proceeded towards the
place of occurrence and when he reached at the house of his
uncle Krishan Murari Prasad (deceased) he found him lying on
the earth and his neck was cut and while being taken to the
hospital, on the way, the deceased died. Informant raised suspicion
that due to land dispute, this petitioner including other FIR named



accused persons committed murder of the deceased.

It is submitted on behalf of the petitioner that entire family of the petitioner has been falsely implicated in this case only with a view to grab the land of deceased which was given to the petitioner by the deceased. Informant is full brother of petitioner and the deceased was his own uncle. *Gamcha* which was seized from the place of occurrence does not belong to this petitioner. Save and except suspicion there is no material against this petitioner. Petitioner is in custody since 01.04.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case and only suspicion has been raised due to land dispute between the parties and petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VIII, Gaya in connection with Buniyadganj P.S. Case No. 46 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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