

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12457 of 2022

Arising Out of PS. Case No.-476 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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CHHOTELAL PRASAD SON OF LATE SITARAM PRASAD R/O
VILLAGE- DHEKAHA FAKIRA TOLA, P.S.- MUFFASIL, MOTIHARI,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks regular bail in connection with
Motihari Muffasil Police Station Case No. 476 of 2020
registered for the offences punishable under Sections 302/120B
of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that three persons arrived at the door of the informant
and took her father-in-law along with them and on the next date,
the dead-body of the informant's father-in-law was found in the
field having cut injury on his neck. The name of petitioner along
with others have been disclosed by the informant that they used
to threaten her father-in-law and husband.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case due to previous enmity. He further submits that except suspicion against the petitioner and other named accused persons, there is no other material to connect the petitioner with the present offence. He next submits that the petitioner along with others had preferred anticipatory bail application, bearing Criminal Misc. No. 20826 of 2021, but since the petitioner was arrested during pendency of the anticipatory bail application, the same was dismissed as withdrawn. However, other similarly situated co-accused persons were granted anticipatory bail by co-ordinate Bench of this Court in Criminal Misc. 20826 of 2021. He further submits that similarly situated co-accused persons, namely, Sakaldeo Prasad (vide order passed in Criminal Misc. No. 58596 of 2021) and Bihar Prasad (vide order passed in Criminal Misc. No. 439 of 2022), have been granted bail by this Court. He further submits that the petitioner is in custody since 17.11.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted anticipatory bail as well as regular bail by this Court,



the petitioner has got no criminal antecedent and except suspicion, there is no other material against him and he is in custody since 17.11.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Motihari Muffasil Police Station Case No. 476 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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