

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24501 of 2022

Arising Out of PS. Case No.-566 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Harihar Prasad Son of Late Sri Bhagwan Prasad Resident of Village - Nathu
Chhap Koeri Tola, P.S.- Siwan Muffasil, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case has been registered under sections 302/34
of the Indian Penal Code in connection with S.Tr. No. 80 of
2022 arising out of Siwan Muffasil P.S. Case No. 566 of 2020.

The informant, who happens to be the petitioner
herein, has alleged in the FIR that his brother, wife and his son
Surya has killed his father.

On the basis of the said FIR lodged by the
informant, the petitioner herein, named accused persons were
arrested. Further during the course investigation, it came to light
that it is the petitioner herein, who had role in the killing and



accordingly, the police made him an accused and thus he came into judicial custody and is in jail since 1.7.2021 (as stated in para 17 of the bail application).

Learned counsel for the petitioner submits that despite he being the informant, police upon change of the Investigating Officer, tried to change the course of the investigation and implicated him and his wife. He submits that as a result, both of them had to go into jail. While his wife has been granted bail vide Cr. Misc. No. 38524 of 2021 disposed of on 3.2.2022 (Annexure-2 to the bail application), he continues to remain in custody.

Taking into account the period of incarceration of the petitioner, charge-sheet stands submitted and ultimately he has to face the trial as also the fact that accused Bindu Devi has since been released on bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII, Siwan, in S. Tr. No. 80 of 2020 arising out of Siwan Muffasil P.S. Case No. 566 of 2020 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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