

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50851 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- DARAUNDA District- Siwan

1. Jitendra Prasad S/O Late Shiv Shankar Bin R/O Village-Dumari, P.S-Daraunda, District-Siwan.
2. Upendra Prasad S/O Late Shiv Shankar Bin R/O Village-Dumari, P.S-Daraunda, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Daraunda P.S. Case No.137 of 2020 registered for offences under Sections 304(B) and 34 of the Indian Penal Code.

At the very outset, learned counsel for the petitioners submits that petitioner no. 1, namely, Jitendra Prasad has been arrested during the pendency of this application. Hence, he prays for withdrawal of the application.

Prayer is allowed. The application for anticipatory bail is dismissed as withdrawn so far as petitioner no. 1, namely, Jitendra Prasad is concerned.



In case petitioner no. 1, namely, Jitendra Prasad surrenders and prays for regular bail before the court below within a period of four weeks from today, the court below will consider the petition for regular bail of the petitioner without being prejudiced by the fact that anticipatory bail petition has been rejected by this Court.

So far as petitioner no.2, namely, Upendra Prasad is concerned, considering the fact that the petitioner is brother-in-law (*Bhainsur*) of the deceased, his application for anticipatory bail is allowed.

Accordingly, let petitioner no.2, namely, Upendra Prasad, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Daraunda P.S. Case No.137 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sandeep Kumar, J)

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