

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51804 of 2021

Arising Out of PS. Case No.-191 Year-2017 Thana- KHAIRA District- Saran

Muktinath Prasad Son Of Late Kashi Nath Prasad R/O Village- Mohalla-
Mouna P.S- Chapra Town Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kumari, Advocate
For the Informant	:	Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State
through virtual court proceedings.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 191 of 2017 instituted for the offences under
Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case and
the present F.I.R. arises from a complaint filed by Sriram Prasad
wherein it is alleged that his brother was living at his parental
house looking after agriculture, while the informant was living
at his matrimonial home (sasural), further on 07.06.2017
petitioner and co-accused Kiran Devi came at the house of



Dinanath Prasad (uncle of the informant) who is also the father-in-law of the petitioner, further on 09.06.2017 informant's brother (Sonu, deceased) informed that he is staying with the petitioner. It is further alleged that on 12.06.2017 informant got information that petitioner had come to his parental house with the dead body of Sonu, accordingly informant reached the place of occurrence but could not find Sonu or the petitioner then the informant went to the house of the petitioner and found the motorcycle of Sonu in the house of petitioner and on asking about Sonu, the petitioner did not answer clearly, accordingly the complaint was instituted based on which the present F.I.R. came to be lodged.

Learned counsel for the petitioner submits that the police after investigation submitted final form and thereafter the learned court below took cognizance of the offence under Sections 302 and 201 of the I.P.C. Learned counsel further submits that from the allegation as alleged in the F.I.R. it would manifest that the same is vague and cryptic, further it is submitted that it does not stand to reason that as to why the parents of the deceased or any other family member who were staying with the deceased did not file F.I.R. and how the informant came to know that the petitioner had come with the



dead body of the deceased to his parental home as the complaint does not disclose the name of the person who had called the informant informing him about the occurrence which further casts shadow on the credentials of the allegation as alleged.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and submit that the petitioner is named in the F.I.R. but is not able to meet the submission of the learned counsel for the petitioner that the police after investigation submitted final form in favour of the petitioner.

Considering the fact that the petitioner is in custody since 04.06.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and police submitted final form after investigation, let the petitioner above named be released on bail on furnishing bail bond of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ruby Kumari, learned Judicial Magistrate, Saran at Chhapra in connection with Khaira P.S. Case No. 191 of 2017.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

