

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56068 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- GUTHANI District- Siwan

Prabhunath @ Prabhunath Rajbhar @ Panthu Rajbhar @ Prabhunath Bhar
Son of Late Nathuni Rajbhar Resident of Village- Geyaspur, P.S.- Guthni,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2022 Heard learned counsel for the petitioner and Shri Ram
Bilash Roy Raman, learned A.P.P. for the State.

The petitioner seeks bail in connection with Session
Trial No. 310 of 2021 arising out of Guthni P.S. Case No. 160 of
2019 instituted for the offences under Sections 363, 364, 302,
201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 08.10.2019 his brother came after
performing a magic show and was sleeping in the house, when
this petitioner along with four named accused persons came and



asked the victim to accompany them and the victim left despite informant asking them not to take him. Further it is alleged that when the victim did not return even on the next day, then a search was made but the victim could not be located, thereafter on the next day at 2:00 pm, the villagers informed that the cap and clothes of his brother was lying in the field, accordingly the informant went to the place of occurrence and identified the clothes and cap of the victim and thus alleges that the named accused persons including the petitioner killed his brother and disposed of his body.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would manifest that there is no allegation against the petitioner including the other accused persons that they had forcibly taken the victim. It is further submitted that parties are agnates and implication is based on mere suspicion and subsisting land dispute and family dispute. It is further submitted that till date even the dead body of the victim has not been recovered and also the informant is not an eye-witness to the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that allegation in the



F.I.R. is that the petitioner including the other accused persons had taken the victim along with them despite opposition of the informant.

Learned counsel for the petitioner, at this stage, submits that co-accused Shivji Rajbhar and Ramu Rajbhar have been granted bail vide order dated 18.03.2021 passed in Cr. Misc. No. 382 of 2021.

Considering the fact that the petitioner is in custody since 08.01.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, there is no eye-witness to the occurrence, allegation is based on suspicion and co-accused have been granted bail, as aforesaid, let the petitioner above named 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 Chief Judicial Magistrate, Siwan in connection with Session Trial No. 310 of 2021 arising out of Guthni P.S. Case No. 160 of 2019.

(Satyavrat Verma, J)

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