

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50087 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- MURLIGANJ District- Madhepura

PRASHANT KUMAR Son of Arun Mahto R/V- Laxmipur Chandi Sthan,
Ward No. 2, P.S- Kumarkhand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Murliganj PS case no. 66 of 2022 instituted for the offences punishable under Sections 341, 324, 326, 307, 302/34 of Indian Penal Code.

The case of the prosecution in brief is that on 08.02.2022 at about 7 pm, the informant along with his brother Pawan Kr. Yadav and some other persons had gone to see Saraswati Puja and while they were returning back to their home, they had stopped at a tea stall for drinking tea at about 10.30 pm, where the accused persons including the petitioner herein had arrived, on different motorcycles, whereupon they had pushed the motorcycle of the informant, resulting in the



motorcycle of the informant falling on the ground leading to an altercation in between the parties. It is further alleged that the accused persons had then stabbed the elder brother of the informant namely Pawan Kr. Yadav as also had stabbed one Nilesh Kr. Yadav, whereafter they had fled away. The elder brother of the informant namely Pawan Kr. Yadav and one another person namely Nilesh Kr. Yadav were grievously injured and taken to the hospital, where the elder brother of the informant was declared dead.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 22.02.2022. The learned counsel for the petitioner has further submitted that the informant is an eye-witness to the incident in question, however, he has not made any specific allegation regarding the petitioner herein having engaged in commission of overt act, rather a general and an omnibus allegation has been levelled against six named accused persons including the petitioner herein and 3 to 4 unknown persons. It is also submitted that though the deceased and the other injured persons were taken to the hospital but their fardbeyan was not recorded by the police rather a written report was filed on the next date i.e. on 09.02.2022 at about 4.45 pm,



although the inquest report was prepared on 08.02.2022 itself.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that allegation of stabbing the elder brother of the informant and one other person has been levelled against all the accused persons including the petitioner herein, which has resulted in death of one person.

At this juncture, the learned counsel for the petitioner has submitted that similarly situated co-accused person namely Akhlakh has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2022, passed in Cr. Misc. no. 38528 of 2022.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a co-ordinate Bench of this Court, apart from the fact that a general and omnibus allegation has been levelled against the petitioner, who is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of bail.



Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Madhepura in connection with Murliganj PS case no. 66 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner, with further conditions, which are as follows :-

“ (i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled . “

(Mohit Kumar Shah, J)

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