

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63066 of 2021**

Arising Out of PS. Case No.-133 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

RAJENDER PRASAD @ RAJENDRA PRASAD, S/o- Horil Bhagat, R/o
Village - Bashudeo Chhapra, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 28-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Siwaipatti
P.S. Case No. 133 of 2019 instituted for the offences under
Sections 302, 120(B), 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.08.2021, is a person with clean
antecedent and the informant alleged that his son was taken to
Punjab by the petitioner and other co-accused persons to work
there as labour with an assurance that the son of the informant
would be paid Rs. 10,000/- (Ten thousand) per month for his
work, it is alleged that on 30.05.2019 all the accused persons
including the present petitioner returned to their house without
the son of the informant, it is further alleged that when he made



enquiry about his son, the accused persons only returned the bag of the son of the informant but did not say anything satisfactorily about his whereabouts, it is further alleged that the informant went to Punjab in search of his son and there he came to know that his son on 29.05.2019 has left for his native village along with the accused persons, it is thus alleged that to usurp an amount of Rs. 40,000/- (Forty thousand) earned by the son of the informant, the accused persons including the present petitioner killed him and got the dead body disappeared. The learned counsel submits that from bare perusal of the allegation as alleged in the FIR would manifest that the entire allegation hinges around suspicion, informant is not an eye-witness to the occurrence nor the FIR discloses that who in Punjab disclosed the informant that his son had accompanied with the accused persons including the petitioner, it is further submitted that in the FIR it is alleged that the accused had returned the bag of the deceased but the FIR is silent that as to which accused had returned the bag, thus submits that the said allegation was levelled only with a view to make out a case for implicating the accused persons.

Learned counsel for the petitioner further submits that the petitioner is brother-in-law of the deceased and this fact has



been concealed in the FIR, for the reason best known to the informant. It is lastly submitted that the entire allegation hinges around suspicion.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 18.08.2021, charge-sheet has been submitted in the case, and petitioner is a person with clean antecedent and the informant is not an eye-witness of the occurrence and the entire allegation hinges around suspicion, 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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Siwaipatti P.S. Case No. 133 of 2019.

(Satyavrat Verma, J)

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