

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41594 of 2021

Arising Out of PS. Case No.-476 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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PRABHU PRASAD S/O RAMASHISH PRASAD R/O VILLAGE-
FAKEERA TOLA, DHEKAHA, P.S.-MUFFASIL, DISTRICT-EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65764 of 2021

Arising Out of PS. Case No.-476 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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CHUMAN PRASAD Son of Ramashish Pasad Resident of Village- Fakira
Tola, Dhekaha, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 41594 of 2021)

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 65764 of 2021)

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4. 25-04-2022 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor appearing for the

State.

Petitioners seek regular bail in connection with

Motihari Muffasil P.S. Case No. 476/2020 registered for the



offences punishable under Sections 302/120-B of the Indian Penal Code 1860.

The allegation in nutshell is that three persons arrived at the door of the informant and took her father-in-law along with them and on the next date, the dead-body of the informant's father-in-law was found in the field having cut injury on his neck. The name of petitioner along with others have been disclosed by the informant that they used to threaten the father-in-law and husband.

Learned counsel for the petitioner submits that the petitioners have falsely been implicated in this case due to previous enmity. He further submits that except suspicion against the petitioners and other named accused persons, no other material is there against them. Referring to paragraph-11 of the bail petition, learned counsel submits that in retaliation of the earlier case lodged by one Shobha Devi bearing Muffasil P.S. Case No. 296/2019 against the relatives, family members and husband of the informant for the offences under Sections 302, 120-B, 201, 379/34 of the Indian Penal Code, and to save their skin from the earlier case lodged by the petitioners' side, the petitioners have



been implicated in this case by the informant. Learned counsel further submits that similarly situated co-accused persons have been granted regular/anticipatory bail by this Court and by a co-ordinate Bench of this Court in Cr. Misc. 58596/2021, 41158/2021, 439/2022 and 20826 of 2021 respectively. The petitioners are in custody since 23.4.2021 and 8.9.2021 respectively and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted regular/anticipatory bail by co-ordinate Bench of this Court as well as by this Court, except suspicion, there is no other material against the petitioners, they are in custody since 23.04.2021 and 8.9.2021 respectively and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, East Champaran, Motihari, in
connection with Motihari Muffasil P.S. Case No. 476 of
2020.

(Anil Kumar Sinha, J)

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