

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.439 of 2022

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

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BIHARI PRASAD @ BHIKHARI PRASAD @ BHIKHARI KUMAR @
BIHARI KUMAR SINGH @ BIHAR PRASAD SON OF RAMASHISH
PRASAD R/O VILLAGE- DEKAHA FAKIRA TOLA, P.S.- MUFFASIL
MOTIHARI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-02-2022 Heard Mr. Abhishek Kumar, learned counsel

for the petitioner and Mr. Mukeshwar Dayal, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Motihari Muffasil P.S. Case No. 476/2020 registered for the
offences punishable under Sections 302/120B of the Indian
Penal Code.

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 her father-in-law and husband.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case due to previous enmity. He further submits that except suspicion against the petitioner and other named accused persons, no other material is there against the petitioner. He next submits that the petitioner along with others had preferred anticipatory bail bearing Cr. Misc. No. 20826 of 2021, but since the petitioner was arrested during pendency of the anticipatory bail application, the same against him was dismissed as withdrawn. However, other similarly situated co-accused persons were granted anticipatory bail by co-ordinate Bench of this Court in Cr. Misc. 20826 of 2021. One more similarly situated co-accused, namely, Sakaldeo Prasad has been granted regular bail by this Court *vide* Cr. Misc. No. 58596/2021. The petitioner is in custody since 04.09.2021.

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 anticipatory bail as well as regular bail by this Court, the petitioner has got no criminal antecedent and except



suspicion, there is no other material against him and he is in custody since 04.09.2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, BIHARI PRASAD @ BHIKHARI PRASAD @ BHIKHARI KUMAR @ BIHARI KUMAR SINGH @ BIHAR PRASAD, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) 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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