

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.921 of 2022

Arising Out of PS. Case No.-296 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Bir Bahadur Prasad, Son of Late Ramchandra Prasad, Resident of Village-
Dhekha Fakira Tola, P.S- Muffasil, District – East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 15881 of 2022

Arising Out of PS. Case No.-296 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Anup Sah, Son of Dhaneshwar Sah, Resident of Village- Dhekha Mahuawa
Tola, P.S- Muffasil, District – East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 921 of 2022)

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 15881 of 2022)

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md.
Fahimuddin, learned A.P.P. for the State in both the applications.

Petitioners in the present case are seeking regular bail



in connection with Muffasil P.S. Case No. 296 of 2019 registered for the offences punishable under Sections 302, 201, 120B, 379/34 of the Indian Penal Code. They are in custody since 21.07.2021 and 24.09.2021 respectively. The petitioners have got one criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, the deceased is the husband of the informant who has alleged that the deceased was taken out of the house by four persons including the petitioners and later on the dead body of her husband was found with his throat slit open. The motive alleged in the F.I.R. is that earlier to this occurrence, a case was lodged in which one Sukhdeo Prasad and Kanhaiya Prasad had gone to jail and in that case, the father-in-law and brother-in-law of the informant were witnesses. It is lastly alleged that all the accused persons killed the husband of the informant by cutting his neck.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on suspicion. Learned counsel submits that there is no specific overt act against these petitioners and there is no eye witness to the occurrence. It is submitted that the petitioners have no criminal antecedent and they are in custody in



connection with this case since 21.07.2021 and 24.09.2021 respectively.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that there is no eye witness to the alleged occurrence, the informant has alleged motive to co-accused Sukhdeo Prasad and Kanhaiya Prasad they have already been granted bail and the co-accused Subhash Prasad and Sanjay Prasad have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 72693 of 2019 and Cr. Misc. No. 20802 of 2021, so far as these two petitioners are concerned, they stand on similar footing with that of co-accused Subhash Prasad and Sanjay Prasad and further that the submission of learned counsel for the petitioners has remained uncontroverted by learned A.P.P. for the State on the ground of similarity and that the petitioners in both the cases have remained in jail since 21.07.2021 and 24.09.2021 respectively, investigation against them is complete but the trial has yet not commenced as informed to this Court, this Court directs that the petitioners in both the cases above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 296 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

