

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22553 of 2023**

Arising Out of PS. Case No.-181 Year-2022 Thana- SHYAMPUR BHATHAN District-
Sheohar

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HARIWANSH NARAYAN KUNWAR @ HARIVANSH KUMAR SON OF
LATE RAMASHISH KUNWAR R/O VILLAGE- MAKSUD KARARIYA,
P.S.- SHYAMPUR BHATAHA, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Prince Kumar Mishra
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman
	Mr. Atul Anand
	Mr. Lokesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-08-2023 Heard learned counsel for the petitioners, learned counsel
for the informant as well as learned Additional Public
Prosecutor for the State.

2. The petitioner apprehend his arrest in a case registered for
the offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. It is alleged by the informant that her brother has been
killed by the petitioner and other co-accused persons by
drowning him in water, on the pretext of an old dispute.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eye witness in present case and there is no specific overt act against the petitioners. Petitioners have been made accused merely on the basis of suspicion. He further submits that during the course of investigation, it has come that the deceased got drowned in the pond while stealing from the pond of the petitioner and died. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant the petitioners were last seen with the deceased and there is ample of evidence against the petitioners.

6. Having regard to the facts and circumstances of the case as there is no eye-witness in the present case, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection



with Shyampur Bhataha P.S. Case No.181 of 2022, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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