

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33720 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- AMARPUR District- Banka

1. UPENDRA DAS @ OPI DAS Son of Bishan Das Resident of Village - Geratikar, P.S. - Fullidumar, District - Banka.
2. Sikendra Das Son of Bishan Das Resident of Village - Geratikar, P.S. - Fullidumar, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek regular bail in connection with Amarpur (Fullidumar) PS case no. 163 of 2021 instituted for the offences punishable under Section 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that some dispute had arisen in between the son of the informant and the accused persons including the petitioners herein, whereafter the son of the informant was called to participate in a *Panchayati* but none of the accused persons had appeared in the said *Panchayati* and thereafter, it is alleged that the



accused persons had arrived at the house of the informant on 29.03.2021 at about 5 pm and had taken away the son of the informant and then the deceased son of the informant did not return back. It is further alleged that the informant is of the firm belief that the accused persons have murdered his son by strangulating him.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case, they are having a clean antecedent and are languishing in custody since 22.03.2022. The learned counsel for the petitioners has further submitted that the petitioners have been roped in the present case merely on suspicion and there is no material on record to connect them with the alleged occurrence and at best, the present case can be said to be a case of last seen. It is also submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 12.01.2023 and 03.02.2022, passed in Cr. Misc. no. 24792 of 2022 and Cr. Misc. no. 51040 of 2021, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioners with that of the accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) PS case no. 163 of 2021.

(Mohit Kumar Shah, J)

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