

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41249 of 2023

Arising Out of PS. Case No.-21 Year-2019 Thana- MASHRAK District- Saran

VisharjanRay @ Visharjan Yadav Son of Late Hira Ray @ Hira Yadav
Resident of village - Dabchu, P.S. - Lakri Nabiganj, Distt. - Siwan.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mashrak P.S. Case No.- 21 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant in his fardbeyan alleged that his father had gone to market and in market, some villagers noticed that his father was accompanying by Nand Lal Yadav, Visharjan Yadav (petitioner), Lal Babu Rai, Rajendra Rai and Rajan Rai to his house but his father did not return home and on the next day in the morning, villagers found the dead body of his father in the bamboo clump of Ganesh Singh. The informant suspects after seeing the nearby



place that his father was assaulted in the field of Prabhu Rai and his dead body was thrown in the bamboo clump by the aforesaid five persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that similarly situated co-accused have been granted anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 15808 of 2020 and Cr. Misc. No. 57498 of 2019.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the present FIR has been lodged two days after the alleged occurrence, the informant is not an eye witness and he has not even disclosed the name of the co-villagers who are said to have named the petitioners along with other four co-accused persons, the submission being that there is no eye witness to the occurrence and the co-accused similarly situated have been granted privilege of anticipatory bail by a learned Co-ordinate Bench in Cr. Misc. No. 15808 of 2020 and Cr. Misc. No. 57498 of 2019, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above



named be released on bail in connection with Mashrak P.S. Case No.- 21 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Chapra, Saran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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