

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45963 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- THARTHARI District- Nalanda

SURYA NARAYAN SAW @ SURAJ NARAYAN SAW SON OF ARUN
SAW RESIDENT OF VILLAGE KAJHIYAWAN, PS- THARTHARI,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Prasad

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 06-09-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tharthari Police Station Case No. 139 of 2021, disclosing offences under Sections 306/201/34 of the Indian Penal Code.
3. The prosecution case, on the basis of the First Information Report, is that on 17.12.2021, the petitioner and other co-accused persons, who are family members of the deceased-husband of the informant, abused and assaulted the informant's husband and told him that he would not be given share in the family property, due to which the



informant's husband consumed poison and died while he was being taken to the hospital.

4. Learned Counsel for the petitioner submits that the petitioner is own brother of the deceased and has falsely been implicated in this case with oblique motive along with other family members. He further submits that the petitioner, being elder brother of the deceased, parted his ways and means and has been living separately for a long time. He next submits that father of the deceased, who is co-accused in the present case, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 9494 of 2023.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, in connection with Tharthari Police Station Case No. 139 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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