

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48838 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- KARJA District- Muzaffarpur

1. Birendra Kumar Son Of Mahendra Ram Village- Makdumpur Kodariya Ps- Karja Dist- Muzaffarpur
2. Arjun Kumar son of Bhola Ram Village- Makdumpur Kodariya Ps- Karja Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the State : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-10-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Karja P.S. Case No. 179/ 2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC').

3. There is allegation against the petitioners that one 'Mahendra Ram' had taken loan from the informant's husband. In this background, the informant alleges that she was called by the instant petitioners along with others for realizing the debt. Thereafter, the dead body of the informant's husband has been found in front of house of the one 'Md. Aqib Javed'. Informant



has alleged that petitioner along with others have killed her husband to avoid the re-payment of loan.

4. Learned counsel for the petitioners submits that there is no allegation of the husband of the informant being forcibly taken away. Other than suspicion, there is nothing to connect the petitioners with the killing. Motive regarding death also may arise against co-accused 'Mahendra Ram'. Considering these aspects they were not sent up for trial when the police submitted the final form (Annexure-2). Subsequently, on protest petition, cognizance has been taken, raising the apprehension of arrest against the petitioners. Petitioners are stated to be men of clean antecedents.

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

6. Having regard to the submissions advanced by the petitioners' counsel, nature of allegations, the fact that the motive has also been assigned against co-accused, the final form (Annexure-2) submitted by the police, and clean antecedents of the petitioner, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur, west, in connection with Karja P.S. Case No. 179/2021, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Mayank/
Raj Kishore/-

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