

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47765 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- PASRAHA District- Khagaria

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Pritam Kumar@Pritam Yadav Son Of Chandeshwari Yadav @ Chano Yadav
Resident Of Village- Sherghati (WARD No. 15), Ps- Gogri, Distt- Khagaria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate
		Mr. Shally Kumari, Advocate
For the Opposite Party/s :		Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pasraha P.S. Case No. 20 of 2023 dated 10.02.2023, instituted
for the offence punishable under Sections 302, 201, 506,
120B/34 of the Indian Penal Code and Section 27(3) of the
Arms Act.

3. The prosecution story, in short, is that on
10.02.2023, the informant received an information on his
mobile that his younger brother namely, Nehru Kumar has been
murdered and his dead body is lying in the Choudhary Bagicha.
When the informant along with his family members reached the
place of occurrence, he found the dead body of his younger
brother with several deep injury along with one bullet which



was lying on the ground.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no eye witness to the alleged occurrence and the petitioner has been named in this case merely on the basis of suspicion. From the impugned order, it appears that the witnesses during investigation at paragraph nos. 115, 116, 117, 118 and 119 have given exaggerated statement and developed the case. It further appears that in the statement under Section 164 Cr.P.C., some more persons have been named. Lastly, it has been submitted that petitioner has two criminal case against him.

5. Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pasraha P.S. Case No. 20 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M. Vth, Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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