

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48604 of 2023

Arising Out of PS. Case No.-32 Year-2019 Thana- KOPA District- Saran

KISHUNDEO SAH Son of Late Ramashish Sah Resident of Village-Mansar,
P.S.-Kopa, Dist-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

3. It is alleged that on 07.03.2019 at about 10:00 PM, co-accused Ashutosh Kumar and Dinesh Kumar called the son of the informant on mobile and at around 01:00 AM, they came at the door of the informant and took her son to watch orchestra. After one and half hours, all the accused persons including this petitioner came at the door of the informant with the dead body of her son. It is further alleged that out of all the accused persons, co-accused Basant Kumar Singh, Vivek Kumar and Dipak Kumar Sah removed the cloth from the dead body and told the informant that his son died due to knife blow and thereafter,



all of them fled away. Informant suspects that all the accused persons including this petitioner committed murder of her son due to previous enmity.

4. It is submitted that on behalf of the petitioner that from bare perusal of the F.I.R., it is apparent that informant is not an eye witness of the occurrence and petitioner has been made accused only on suspicion. Moreover, it is highly improbable and does not make any sense or stand to reason as to why after committing such a heinous offence all the accused persons would come to the house of the informant to hand over the dead body. It is further submitted that similarly situated co-accused have already been granted bail by co-ordinate Bench of this Court *vide* order dated 11.09.2020 passed in Cr. Misc. No. 77711 of 2019. Petitioner has got clean antecedent.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- 5th, Saran at Chapra in connection with Kopa P. S. Case No. 32 of 2019,



subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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