

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49571 of 2023**

Arising Out of PS. Case No.-41 Year-2023 Thana- PHENHARA District- East Champaran

1. DHARADEO RAI @ DHARAM DEO PRASAD YADAV SON OF AWATAR RAI @ FAUJDAR RAI RESIDENT OF VILLAGE- KOLASI, PS- CHIRAIYA, DIST- EAST CHAMPARAN AT MOTIHARI
2. CHUNNU RAI @ CHUNNU PRASAD SON OF LATE KAPIL RAI RESIDENT OF VILLAGE- KOLASI, PS- CHIRAIYA, DIST- EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.  
For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      11-08-2023                      Heard Mr. Radha Mohan Singh, learned counsel for the petitioners and Mr. Anant Kumar-1, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Phenara PS Case No. 41/2023 dated 22.03.2023 registered for the offence punishable under Sections 302/34 of the IPC.

3. As per prosecution case, on 09.03.2023, son of the informant had gone to attend a marriage party where he was found dead. The informant has raised his suspicion that the petitioners and other accused persons altogether nine in number have committed murder of his son due to previous enmity and



brought the dead body on a pickup van and then cremated the dead body in order to conceal the evidence.

4. Learned counsel for the petitioners submits that altogether nine persons have been made accused on the basis of suspicion. The FIR has been lodged with premeditated mind due to village politics after a delay of about 1 ½ months inasmuch as the occurrence has taken place on 09.02.2023 but the FIR has been lodged on 22.03.2023. He next submits that petitioner no.1 has been made accused due to the fact that the dead body of the informant's son was brought to the village on his pickup van.

5. Regards being had to the submissions made by the parties, taking into consideration that the petitioners have been made accused on the basis of suspicion and there is inordinate delay in lodging of the FIR, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Phenara PS Case No. 41/2023, subject to the condition as laid



down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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