

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56065 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- GAMAHARIYA District- Madhepura

PREM PRAKASH @ CHANDAN KUMAR @ PREM PRAKASH KUMAR
Son of Laxman Rai Resident of Village - Sakhua, P.S.- Pipra, District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 24-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Gamhariya PS case no. 70 of 2022,
registered for the offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code.

The allegation is regarding the informant
having received information on 04.04.2022 that his daughter
and son-in-law have been killed, whereafter he went to the
alleged place of occurrence and found their dead bodies lying
there. It is also alleged that prior to the said incident, the
daughter of the informant had told him that the petitioner
used to visit her occasionally, who is the son of the *Sarhu* of



the elder brother of the brother-in-law of the informant. It is also alleged that the petitioner, in conspiracy with the family members of the son-in-law of the informant and others had murdered the daughter and son-in-law of the informant, who were issueless, in the greed of grabbing their share in the property.

The learned counsel for the petitioner submits that petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is no evidence on record to show the complicity of the petitioner in the alleged crime and merely on suspicion, he has been made an accused in the present case. It is also submitted that the petitioner has got nothing to do with the property of the deceased persons and to that effect, there is no evidence on record to show that he had ever tried to devour the said property.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has referred to paragraph no. 29 of the case diary, wherein the statement of the neighbour namely Chhotelal Thakur has been recorded,



in which he has stated that the petitioner used to come to the house of the deceased persons and probably he has killed the deceased persons on account of greed towards their property, however, the learned APP for the State has not been able to point out any concrete evidence to show the complicity of the petitioner in the alleged occurrence and it is apparent from the records that merely on suspicion, the petitioner has been made an accused in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged crime apart from the fact that the petitioner has apparently been made an accused in the present case merely on suspicion and moreover, he is having a clean antecedent, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within



a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Gamhariya PS case no. 70 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

