

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61190 of 2023

Arising Out of PS. Case No.-567 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Satya Prakash Sah Son of Late Nand Lal Sah R/V Bhagwanpur, Fardo Gola, Ps. Muzaffarpur
 2. Ratan Lal Sah Son of Late Nand Lal Sah R/o vill - Bhagwanpur Fardo Gola, P.S. - Muzaffarpur Sadar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Madhuri Lata APP
For the informant	:	Mr. Kaushal Kishor, Adv.
		Ms. Jyoti Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Muzaffarpur Sadar PS Case No. 567 of 2023 dated 11-06-2023, registered for the offence punishable under Sections 328 and 302/34 of the Indian Penal Code.

3. The informant is brother-in-law (*Bahnoi*) of the victim, who has lodged this case on 11.06.2023, alleging that his brother-in-law (*Sala*) has been killed by his own family members, including the instant petitioners, who are his uncles, on 09-06-2023. It is apparent from the First Information Report



(for brevity 'FIR') that the FIR was sent to the Court on 12-06-2023.

4. It is submitted by the petitioners' counsel that the FIR itself reveals that the victim was taken to hospital for treatment of the poison which he has consumed. The FIR has been lodged taking undue advantage of the death of the victim while in treatment against all the agnates, including the instant petitioners based on lust for the property in question.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that the petitioners are named accused of the offences under Section 302 of the IPC.

6. Considering the rival submissions, clean antecedents of the petitioners as also the fact that the victim died during treatment, there is no statement of the victim recorded in the hospital and the FIR has been lodged belatedly as as also the fact that the petitioners are agnates, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

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



within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Muzaffarpur, in connection with Muzaffarpur Sadar PS Case No. 567 of 2023 dated 11-06-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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