

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64373 of 2022

Arising Out of PS. Case No.-358 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

Prashant Kumar Shukla @ Prashant Kumar @ Sonu Kumar Son of Mahesh Prasad Shukla R/v- Vishnupur Titra, P.S.- Rajapakar, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case, it is next submitted that petitioner in connection with Bhagwanpur P.S. Case No. 9 of 2010 was in judicial custody in Hajipur Jail, it is next submitted that one convicted prisoner Ram Balak Rai was found dead in his cell number 3 and 4 in the morning of 21.10.2013, thereafter inquest report was prepared by the Magistrate and after postmortem, the doctors opined that the cause of death was



asphyxia, smothering plus throttling, accordingly all the cellmates of Ram Balak Rai were made an accused in the case.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner in connection with Bhagwanpur P.S. Case No. 9 of 2010 was in Hajipur Jail but subsequently he was declared a juvenile and thus was sent to remand home and after serving the sentence, he came out, it is next submitted that petitioner was not even aware that he has been implicated in the present case merely because he was also cellmate of Ram Balak Rai. Learned counsel further submits that from perusal of the allegations as alleged in the FIR it would manifest that no one has seen the occurrence but based on postmortem, the entire cellmates of Ram Balak Rai were made an accused in the case which initially was registered as a UD case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sadar Hajipur P.S. Case No. 358 of 2013 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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