

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72179 of 2022

Arising Out of PS. Case No.-220 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Bineshwari Prasad @ Bindeshwari Prasad @ Bindeshwari Shah S/o Mahabir Prasad @ Mahavir Shah R/o village- Dhawani, P.S.- Karakat (Godari), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sasaram P.S. Case No.220 of 2020 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 12.09.2022.

The allegation against the petitioner is to commit the murder of the son of informant alongwith other co-accused persons/family members due to previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that mere on the basis of suspicion due to previous enmities the name of petitioner appeared in the present case. It



is submitted that in fact the father of the informant died in road accident and this fact was supported during the course of investigation by several witnesses as mentioned in Paragraph Nos. 13 and 14 of the Case Diary. It is submitted that as Title Suit bearing No.892 of 2013 pending between the parties, mere on the basis of enmities arising out of land disputes, the petitioner was named in this case, where no incriminating material recovered/surfaced during the course of investigation which may suggest involvement of the petitioner in the present occurrence of murder. It is also pointed out that similarly situated co-accused having similar allegation has already been granted bail by learned Trial Court itself and also anticipatory bail by one of the learned Co-ordinate Bench of this Court. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except suspicion nothing appears



incriminating against petitioner, where investigation suggests accidental death coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Sasaram P.S. Case No.220 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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