

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74727 of 2022

Arising Out of PS. Case No.-576 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. Ram Sudish Prasad S/O Late Bhikhari Prasad @ Vikhari Prasad Resident of village- Baghara, P.S.- Siwan Muffasil, District- Siwan, Bihar.
2. Krishna Kharwar @ Krishna Prasad S/O Haricharan Prasad Resident of village- Baghara, P.S.- Siwan Muffasil, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Siwan Mufassil P.S. Case No. 576 of 2021, registered on 06.11.2021 for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, brother of the informant was killed and the informant named a number of persons for being involved in the murder of his brother including this petitioner. It is also alleged that the occurrence took place in background of some earlier dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. There is no eye-witness to the occurrence as alleged as his dead-body was found abandoned in an agricultural land and none has seen the occurrence. Except for suspicion, there is nothing against the petitioners. The petitioners have been named in the present case since, the nephew of the informant had lodged a case against the petitioners vide Siwan Mufassil P.S. Case No. 570 of 2021 and for this reason, they have been made accused in this case. A number of co-accused persons have been granted anticipatory bail vide order dated 21.03.2023 passed in Cr. Misc. No. 616 of 2023, order dated 24.03.2023 passed in Cr. Misc. No. 73784 of 2022 and order dated 24.03.2023 passed in Cr. Misc. No. 184 of 2023 by different Coordinate Benches of this Court. Learned counsel further submits that except for ligature mark no other injury was found on the body of the deceased and this fact has been mentioned in the orders by which other co-accused persons have been granted anticipatory bail.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners are having criminal antecedent of one case. At this stage, learned counsel for the petitioner submits that petitioners are on anticipatory bail in that case as well.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that except for suspicion nothing has come up on record against



the petitioners for their involvement in the killing of the brother of the informant, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court in connection with Siwan Mufassil P.S. Case No. 576 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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