

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.771 of 2023

Arising Out of PS. Case No.-410 Year-2022 Thana- KANTI District- Muzaffarpur

PRABHAT KUMAR S/O Sri Chandeshwar Sahani R/O Village- Laskaripur,
P.S- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 410 of 2022 dated 23.06.2022 registered for the offence
under Sections 365, 302, 201 and 34 of the Indian Penal Code.

The informant suspects with confidence that his son
might have been killed by the petitioner and his other two
associates. It is alleged that his son's dead body was found in the
river.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of
suspicion. He further submits that it appears from the F.I.R. that
the son of the informant went out from his house along with co-



accused, Devender Sahni and further he was accompanied with petitioner and another co-accused Ramesh Sahni and he did not return home. Further on hectic search, dead body of son of the informant was found in the river.

Learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence and no one claims to have seen the petitioner with the deceased for last time. Save and except the suspicion, no cogent material has surfaced against the petitioner during course of investigation connecting him in the alleged occurrence. Moreover, the co-accused, namely, Ramesh Sahni, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 71426 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur (West) in connection with Kanti P.S. Case No. 410 of 2022 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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