

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40705 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- MOKAMAH District- Patna

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1. Prabhu Kumar Son of Jugal Mahto @ Jugal Singh R/O Vill.- Barhpur, Bind Toli, P.S.- Mokama, Dist.- Patna
 2. Doman Kumar Son of Late Hare Ram Mahto R/O Vill.- Barhpur Bind Toli, P.S.- Mokama, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Allegedly, both the petitioners are said to be involved in murder of the informant's father due to land dispute.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to



ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. They are not named in the FIR. There is admitted land dispute between the informant and co-accused Lalan Bhagat and Shambhu Bhagat. There is no eye witness in the present case. The petitioners have been made accused in the present case merely on the basis of the confessional statement of co-accused Mukesh Kumar. He further submits that the similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 29.01.2024 in Cr. Misc. No. 71992 of 2023 and Cr. Misc. No. 69770 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the petitioners are not named in the FIR and similarly situated co-accused have been granted anticipatory bail by this Court, the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Mokama P.S. Case No. 117 of 2023, subject to
the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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