

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48162 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- TARARI District- Bhojpur

1. Subhash Singh @ Subhas Prasad Singh Son of Late Shankar Singh Resident of Village - Jalpura, P.S.- Haspura, District - Aurangabad. At present resident of Village - Dihri Ward No.- 1, P.S.- Dihri, District - Rohtas.
2. Sonu Singh @ Sonu Kumar Son of Subhash Singh @ Subhas Prasad Singh Resident of Village - Jalpura, P.S.- Haspura, District - Aurangabad. At present resident of Village - Dihri Ward No.- 1, P.S.- Dihri, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Suman Kumari Singh, A.P.P.
For the Informant	:	Mr. Naresh Chandra Verma, Advocate
		Mr. Ram Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-09-2024 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner No. 2.

2. Permission is granted.

3. The anticipatory bail application with regard to petitioner No. 2, namely, Sonu Singh is, accordingly, dismissed as withdrawn.

4. Heard learned counsel for the petitioners, informant and the State.

5. Petitioner No. 1 apprehends arrest in a case registered for the offences punishable under Sections 302/34 of



the Indian Penal Code.

6. As per prosecution case, informant suspects that this petitioner along with others committed murder of the brother of informant.

7. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name transpired during course of investigation on the basis of CCTV footage wherein this petitioner was seen at the place of occurrence. It is next submitted that during course of investigation, none of the witnesses have claimed to have seen petitioner committing the alleged offence and informant is not an eye witness of the occurrence. Except suspicion, no other material is available on record to complicity of the petitioner in the present case. As per post-mortem report, cause of death is due to haemorrhage shock leading to cerebral anoxia. Petitioner claims clean antecedent.

8. However, learned counsel for the informant vehemently opposed the bail application and submitted that during course of investigation co-accused Sonu Singh along with others were seen at the place of occurrence and in paragraph No. 16 of the case diary it has come that one of the witnesses has seen co-accused Sonu Singh committing the offence.



9. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner No. 1 in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Tarari P. S. Case No. 112 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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