

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37247 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Kanchan Kushwaha @ Kanchan Kumar Son of Hanshlal Kushwaha @
Hanslal Prasad @ Hanslal Singh Resident Of village- Ujhilpur, P.S.- Rajepur,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61156 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Sanjiv Kumar Son of Late Premchand Kushwaha @ Late Prem Chandra
Village- Paigambarpur P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37247 of 2024)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 61156 of 2024)

For the Petitioner/s : Mr.Samrendra Jha

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-11-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case
registered for offence under Sections 302/120B/34 of the Indian
Penal Code.

3. Allegation against the petitioners is that they
alongwith other co-accused persons killed the son of informant.



4. It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case only on suspicion. There is no eye-witness to the alleged occurrence. F.I.R. has been lodged after a delay of 23 days of the alleged occurrence and there is no plausible explanation of delay. As a matter of fact, the victim had fallen from the roof of the school and in course of treatment, died. During course of investigation, only material that has come against this petitioners is that there was exchange of phone calls between the deceased (son of informant) and the daughter of co-accused Uday Kumar, as per mobile tower location. Save & except this, there is no other direct or indirect evidence against the petitioners to show his complicity in the alleged occurrence. Similarly situated co-accused Shyam Kumar Kushwaha has already been granted anticipatory bail by this Court, vide order dated 16.04.2024 passed in Cr.Misc. No. 9885 of 2024. Petitioners have got clean antecedent. Chargesheet has been submitted.

5. Learned A.P.P. for the State vehemently opposed the bail petition.

6. 6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of



their arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned S.D.J.M., East Muzaffarpur in connection with Siwaipatti P.S. Case No. 155 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Prakash/-

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