

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73047 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- BENIPATTI District- Madhubani

Sita Saran Yadav @ Sita Saran Kumar S/O Anirudh Yadav Village- Kerwa,
Ps. Saharghat, Dist.Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner

and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the First Information Report, the informant alleged that the petitioner and co-accused were indulged in illegal trade of illicit liquor which was being objected by deceased son due to which there was animosity between the accused persons and son of informant. Later on his son became cordial with them and on 07.05.2023 in the night, the accused persons



came at the door of the informant on two motorcycles and asked her son to accompany them for a marriage party. The son of the informant left the house on the motorcycle of co-accused Amit and Arun but did not return till the morning. Upon enquiry by the informant from accused persons, they did not say anything. The dead body of informant's son was found abandoned on 08.05.2023 . Informant suspects that this petition and other co-accused conspired with each other and killed the son fo informant.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. There is no eyewitness to the incident. There is no legal evidence against the petitioner except the suspicion raised by the informant and the confessional statement of the co-accused. He next submits that the deceased son of the informant accompanied by co-accused persons, namely , Arun Kumar and Amit Kumar on their motorcycle. The petitioner was nowhere in the picture. Neither the



deceased son of the informant was accompanied by the petitioner nor he was riding on the motorcycle with this petitioner, and as such, the case of the petitioner cannot be equated with those co-accused persons.

5. Learned counsel for the State as well as informant vehemently opposes the bail application and submits that the anticipatory bail application of similarly situated co-accused persons, namely, Arun Kumar and Amit kumar have already been rejected by the co-ordinate Bench of this Court and thus the bail application of this petitioner should also be dismissed.

6. In reply, learned counsel for the petitioner submits that the case of the petitioner is not similarly situated to that of co-accused persons, namely, Arun Kumar and Amit Kumar. He next submits that as per F.I.R., itself, the deceased son of the informant was accompanying to other co-accused persons on their motorcycle whereas there is no such allegation against this petitioner and as such, the case of the petitioner is distinguished on facts with those of other co-accused



persons whose anticipatory bail application has already been rejected. The case of the petitioner cannot be equated.

6. Considering the rival submissions of the parties and materials available on record, the prayer for anticipatory bail of the petitioner is allowed. In the event of arrest or surrender within six weeks from today, let the petitioner, as named above, 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 the learned ACJM , Benipatti, District- Madhubani in connection with Benipatti P.S. case No. 93 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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