

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79394 of 2023

Arising Out of PS. Case No.-433 Year-2022 Thana- BELHAR District- Banka

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1. KHUSHBOO DEVI @ KHUSHBOO KUMARI WIFE OF BIPIN PAL @ BIPIN KUMAR PAL RESIDENT OF VILLAGE- CHARAIYA, PS- BELHAR, DISTT- BANKA
 2. MANKBA DEVI WIFE OF LATE SUFAL PAL RESIDENT OF VILLAGE- CHARAIYA, PS- BELHAR, DISTT- BANKA
 3. MEHI PAL @ MEHI LAL PAL SON OF HANSHRAJ PAL RESIDENT OF VILLAGE- CHARAIYA, PS- BELHAR, DISTT- BANKA
 4. DIWAKAR PAL @ DIWAKAR KUMAR PAL SON OF MAHI PAL @ MEHI LAL PAL RESIDENT OF VILLAGE- CHARAIYA, PS- BELHAR, DISTT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Arjun Prasad, Advocate
For the State	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-03-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 364 and 302 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 03.06.2022, due to previous dispute, these petitioners, along with other accused persons, kidnapped the son of the informant and thereafter committed his murder and threw his dead body in Belharna Dam.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that the informant is not an eye witness of the alleged occurrence and after recovery of dead body, the present case has been lodged after delay of 45 days, without any explanation for the same. It is next submitted that the petitioners have been made an accused in this case only on suspicion as in the past they had threatened the informant and his son for fetching water from hand-pump. Except suspicion, there is no material on record to show the connivance of these petitioners in this case. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 17.08.2023 passed in Cr. Misc. No. 50461 of 2023. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation, claim based on parity and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners 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 C.J.M., Banka, in connection with Belhar P.S. Case No.433 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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