

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81165 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- MAIRWAN District- Siwan

1. Brijesh Kumar @BRIJESH Kumar Gupta @ Brajesh Kumar Gupta Son Of Late Bishwanath Prasad Gupta Resident Of Village- Purani Bazar, Ps- Mairwa, Dist- Siwan
2. Manish Kumar @ Manish Kumar Gupta Son Of Bijay Kumar Gupta Resident Of Village- Purani Bazar, Ps- Mairwa, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sandesh Roy, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mairwa P.S Case No. 264/2023 dated 16.08.2023 registered for the offence punishable u/ss 452, 341, 323, 302, 504, 506 and 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with other co-accused persons are alleged to have dismantled the wall of the godown of the informant's house and altercation erupted and during altercation, the petitioners along with others pressed the neck of the informant's father, Laxmi Narayan Gupta, due to which he died.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The informant's father has died due to heart attack or fell down from the stairs of the house who was more than 70 years old but due to land dispute the petitioners have been dragged in the present case. Learned counsel has submitted that as per the post-mortem report, there is no sign of pressing of neck as mentioned in paragraph no. 35 of the case diary. The other co-accused persons have already been granted anticipatory bail by this Court *vide* order dated 31.01.2024 passed in Cr. Misc. No. 81762 of 2023. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Mairwa P.S Case No.



264/2023, subject to conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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