

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74879 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

Lal Babu Prasad, age about 43 years, Male Son of Late Mahavir Prasad,
Resident of Village- Dackbanglow Chowk, P.S- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 82588 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

Guddu Kumar Singh @ Guddu Kumar Yadav, aged about 35 years, Male Son
of Late Dinesh Yadav, Resident of Village - Jamuwa, P.S. - Bihiya, District –
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74879 of 2023)
For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Priya, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 82588 of 2023)
For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Priya, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

- 3 22-02-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.
2. The petitioners seek bail in connection with Bihiya



PS Case No. 144 of 2023 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is a case of death of son of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case. It is submitted that during course of investigation neither a single witness has taken the name of the petitioners nor a single witness have even raised suspicion against petitioners about complicity in the alleged occurrence. Petitioners have been remanded in this case only on the basis of confessional statement of co-accused. Learned counsel for the petitioners submits that nothing have been recovered from the conscious possession of the petitioners.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail.

6. From perusal of the FIR, seizure list, postmortem report and impugned order of the learned Sessions Judge, Bhojpur at Ara dated 26.09.2023, it appears that FIR, registered against three unknown persons on the basis of fardbeyan of the informant Ashutosh Kumar and the name of the petitioners



surfaced from the self confessional statement before the police as well as in secret information by the police. Petitioners are in custody since 29.06.2023, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Assistant Chief Judicial Magistrate-IV, Bhojpur at Ara in connection with Bihiya PS Case No. 144 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioners shall be released on bail on above conditions and they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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