

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80316 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- PAROO District- Muzaffarpur

Uday Raj Kumar, Male, Aged about 49 years, Son Of Late Prahlad Prasad Singh, R/O Village - Kamalpur (Tola Mathia), P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 22-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Paroo P.S. Case no. 43 of 2023 instituted for the offence under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that in the early morning of 28.01.2023, his neighbours Udai Raj Kumar (petitioner) and Randhir Raj Kumar @ Jhunjhun Singh and some unknown took his brother Jai Prakash Singh from the house at a distance of 50 ft. and started assaulting him. It is further alleged that petitioner asked his brother to kill Jai Prakash Singh and thereafter, Randhir Raj Kumar @ Jhunjhun



Singh sat on his chest and petitioner killed him by twisting his neck.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. He has falsely been implicated in this case due to land dispute. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. On perusal of the F.I.R., case diary, postmortem report and impugned order dated 05.10.2023, it appears that on the basis of written report of informant Om Prakash Kumar F.I.R. registered against two accused persons including the present petitioner and unknown. On perusal of the postmortem report in para 25 of the case diary, it appears that cause of death has been reserved till the report of chemical analysis. Two antemortem injuries found on the body of the deceased and that injuries caused by hard and blunt object. As per para 104 of the case diary, in the postmortem examination the doctor who held the postmortem has opined that no unnatural cause of death was found rather cause of death might be natural. From perusal of



the Viscera report of the deceased, there is no metallic, alkaloidal, glycosidal, pesticidal and volatile poison could be detected in the body the deceased.

7. Considering the aforesaid facts and circumstances and submission made on behalf of the petitioner, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court no. 2 of learned J.M. 1st Class (West) Muzaffarpur in connection with Paroo P.S. Case No. 43 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

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