

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81923 of 2023

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

1. Arbind Pal S/O Karu Pal Village- Gidha, P.S. Belhar, Dist.Banka.
2. Manish Pal @ Manish Kumar Pal S/O Mohan Pal Village- Gidha, P.S. Belhar, Dist.Banka.
3. Kedar Pal S/O Bhola Pal Village- Gidha, P.S. Belhar, Dist.Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Brij Nandad Prasad, learned counsel
appearing on behalf of the petitioners and the learned APP for
the State.

2. The petitioners are apprehending their arrest in
connection with Belhar P.S. Case No. 433 of 2022, registered
for the offence punishable under Sections 364 and 302 of the
Indian Penal Code.

3. Allegedly, on account of previous dispute on
26.05.2022 for fetching water from hand pump, the co-accused
Bipin Pal and Khusboo Devi, kidnapped the son of the
complainant, namely, Rajeev Pal, and thereafter, committed his
murder and threw his dead body in Belharna Dam.



4. It is submitted on behalf of the petitioners that from the narratives of the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence. Dead body of the deceased was found by the police on 06.06.2022, and thereafter, the complaint petition against the petitioners and others has been instituted after delay of ten days of the recovery of dead body. He further submits that, save and except, the suspicion, that in the past, they have threatened the informant and his son, due to previous dispute over fetching water from the tube well, there is no material suggesting the complicity of the petitioner. Taking note of the aforesaid facts, other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 50461 of 2023, vide order dated 17.08.2023, the copy of which has been marked as Annexure – 2 to the application. He lastly submits that the petitioners do not have any criminal antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioners and submits that prior to the occurrence, they have threatened the informant and his son, with dire consequences.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, and the fact that the entire case is based on suspicion, coupled with the fact that the co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 433 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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