

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85839 of 2023

Arising Out of PS. Case No.-480 Year-2021 Thana- PATNA CITY CHOWK District- Patna

1. Mantu Kumar @ Rishi Raj Gupta
2. Shashi Kumar @ Shashi Kumar Gupta
Both S/O Naresh Prasad @ Naresh Kumar Gupta Resident of Kali Asthan
Ganga Babu Ki Theeki, P.S. Chowk, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Mishra, Advocate

Mr. Vatsal Vishal, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 19-03-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Patna City Chowk P.S. Case no.480 of 2021 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his son was having a love affair with a girl. The petitioners herein, who happen to be the brothers of the said girl, had brutally assaulted him but the matter was not reported at the instance of his son. Subsequently on the date of occurrence, his son was found murdered.

4. Learned counsel for the petitioners submits that



from the contents of the F.I.R., it would be evident that the alleged first occurrence took place 8-9 months before the registration of the F.I.R. and no matter was reported to the police or any authority. Subsequently, for the occurrence of murder of the son of the informant, admittedly there is no eye witness to the occurrence and only an unfounded suspicion has been raised against the petitioners. No material has transpired in course of investigation to connect the petitioners with the alleged crime. They are in custody since 31.8.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned A.P.P. for the State. However, learned A.P.P. admits that there are no eye witness to the occurrence.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation, there being no eye witness to the occurrence, the petitioners having remained in custody for 6 months since 31.8.2023 and chargesheet having been submitted in the case, the Court directs both the petitioners to be enlarged on bail in connection with Patna City Chowk P.S. Case no.480 of 2021 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned S.D.J.M., Patna City, District Patna.

(Partha Sarthy, J)

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