

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4586 of 2024**

Arising Out of PS. Case No.-82 Year-2023 Thana- DARPA District- East Champaran

1. Birbal Patel S/O SHUBH LAL PATEL @ SUBALAL PRASAD
2. Shubh Lal Patel @ Subalal Prasad S/O late Sajawal.  
Both are R/o Village - Mahuawa Purainiya PS- Darpa District East Champaran

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      21-03-2024                      Heard   Mr.Sunil Kumar No.III, learned counsel for  
the petitioners and Mr.Nagendra Prasad, learned Additional  
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in  
connection with Darpa PS Case No. 82 of 2023, FIR dated  
29.07.2023, registered for the offences punishable under  
Sections 302,201 of the Indian Penal Code.

3.The FIR of the occurrence of murder is against  
unknown.

4. Learned counsel for the petitioners submits that the  
petitioners have clean antecedent and they have falsely been  
implicated in the present case. Learned counsel for the



petitioners submits that the petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis of the suspicion and except the suspicion no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, petitioners are not named in the FIR and the name of the petitioners have been transpired during investigation on the basis of the suspicion, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Raxaul at Motihari in connection with Darpa PS Case No. 82 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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