

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20930 of 2025

Arising Out of PS. Case No.-126 Year-2022 Thana- MURLIGANJ District- Madhepura

Prabhash Kumar @ Prabhash Yadav Son of Mohan Yadav Resident of village
- Ekma Belo, P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-06-2025 Heard Mr. Dinesh Prasad Verma, learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Murliganj P.S. Case No. 126 of 2022, F.I.R.
dated 12.03.2022 registered for the offences punishable under
Sections 302, 201, 379, 120B of the Indian Penal Code.

3. The prosecution case, in brief, is that petitioner
along with four others came to the house of the informant and
his brother went along with them, thereafter in the morning dead
body was recovered from the road side, which is identified as
brother of the informant namely, Sushil Kumar.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion, the name of the petitioner has been implicated in the present case and no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State, on the basis of material available on record and case diary, has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and informant is not an eye witness of the alleged occurrence and even no one has seen the occurrence, let the petitioner, above named, in the event of his



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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura in connection with Murliganj P.S. Case No. 126 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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