

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17319 of 2025

Arising Out of PS. Case No.-258 Year-2013 Thana- BASANTPUR District- Siwan

1. Lallan Prasad @ Lalan Prasad S/o- Deodhari Prasad Resident of Village - Kodar, P.S. - Basantpur, District - Siwan
2. Dip Narayan Prasad @ Dipu Prasad S/o- Late Dirpal Prasad Resident of Village - Kodar, P.S. - Basantpur, District - Siwan
3. Pramod Prasad S/o- Dip Narayan Prasad @ Dipu Prasad Resident of Village - Kodar, P.S. - Basantpur, District - Siwan
4. Deepak Kumar S/o- Lallan Prasad @ Lalan Prasad Resident of Village - Kodar, P.S. - Basantpur, District - Siwan
5. Dablu Kumar @ Dabloo Kumar S/o- Lallan Prasad @ Lalan Prasad Resident of Village - Kodar, P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-01-2026 Heard the parties.

2. Defect(s) as pointed out by office be ignored for the office.

3. The present is the second anticipatory bail prayer of the petitioners, which preferred on the basis of changed circumstances as subsequent to the rejection of first anticipatory bail petition of petitioners through Cr. Misc. No. 4601 of 2019, seven similarly situated co-accused persons were granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No. 18523 of 2014 dated



14.07.2014 and through Cr. Misc. No. 11928 of 2019 dated 07.03.2019.

4. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Basantpur P.S. Case No. 258 of 2013 registered for the offences punishable under Sections 302, 34 of IPC.

5. As per FIR, the grandfather of the informant was murdered during the course of occurrence out of assault made by petitioners and other 9 named co-accused persons, where occurrence alleged to be taken place in the background of land dispute.

6. It is submitted by learned counsel appearing on behalf of the petitioners that after investigation police submitted final form against petitioners and did not sent up them for facing trial as no *prima-facie* case was found true considering the materials collected during the investigation, however, the learned judicial magistrate, took cognizance for the offences punishable under Section 302 and 34 of the IPC without any cogent materials deferring with police report and issued summons against petitioners. It is submitted that till now not even non-bailable warrant and the process under



Section 82 of Cr.P.C. was initiated against petitioners.

7. Learned APP while opposing the prayer of bail could not disputed aforesaid factual submission.

8. In view of aforesaid factual submission and by taking note of changed circumstances as similarly situated co-accused persons already granted bail by different learned co-ordinate Benches of this Court, coupled with the fact that police after investigation submitted final form against above-named petitioners, accordingly petitioner above-named, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan /concerned Court, where the case is pending in connection with Basantpur P.S. Case No. 258 of 2013, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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