

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38030 of 2015

Arising Out of PS.Case No. -125 Year- 2012 Thana -DIGHWARA District- SARAN

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Murari @ Murari Kumar, aged about 30 years, S/o Bachha Singh @ Braj
Kishore Singh, Resident of Village- Sandalpur, P.S.- Bhaldi, District Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Kanhaiya Prasad Singh, Sr. Advocate
Mr. Jitendra Kumar, Advocate

For the S t a t e : Mr. Subhash Chandra Mishra (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-01-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Dighwara P.S. Case No.125 of 2012 for
allegedly having committed the offence under Section 364 of
the Indian Penal Code.

Case diary in the present case was called for, which
has since been received.

Mr. Kanhaiya Prasad Singh, learned Senior Counsel
appearing for the petitioner submits that altogether vague and
generalize allegation has been made against the petitioner
stating that after the son of the informant left the house on
8.5.2012, he informed his parents that he was with the present



petitioner in his house at Hajipur. It is further submitted that save and except this statement in the F.I.R., no further material has come on record so as to indicate that the petitioner and the victim boy were ever together. He further submits that there is vast time gap in the disappearance of the boy and the day on which first *Sanha* was made by the father and the final F.I.R. was registered two months thereafter. It is further submitted that in paragraph 61 of the case diary, the mother of the victim boy has stated that he was in the habit of disappearance from home and used to come back himself. Learned counsel, while pointing out to paragraph 61 of the case diary, submits that although the mother and the father of the victim boy stated that on 8.5.2012 the petitioner was with their son, there is no material to show that both of them was, in fact, together. On the contrary, it has been found by taking the call details of the victim boy that on the said date the location as pointed out by the victim boy that he was in Hajipur is incorrect as the tower location of the said communication has been found to be Dighwara at Chapra. Pointing out such contradictions in the statements and available materials on the record, learned counsel for the petitioner further submits that the petitioner is entitled to the privilege of anticipatory bail as no *prima facie*

case is made out against him.

Considering the aforementioned facts and circumstances and the materials, which have surfaced in the case diary, and also that the petitioner has no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Dighwara P.S. Case No.125 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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