

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20066 of 2018

Arising Out of PS. Case No.-261 Year-2017 Thana- FATUHA District- Patna

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Gaurav Kumar @ Golu @ Gorakh Mahto S/o Arvind Kumar , R/o Mohalla-
Rekabganj, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Chandram, Adv.

For the Opposite Party/s : Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302 and 201/34 of
the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Chaukidar Ram Lagan Gope, recorded by A.S.I., Kapildeo Ram
of Fatuha Police Station on 01.07.2017, at 06.40 A.M., to the
effect that on 01.07.2017, at around 6.00 A.M., the informant
was going to collect information from his Mahal area and for
service of notice, but as soon as, he reached four lane road, near
village Budhuchak, he saw a crowd and found a dead body of a
person aged about 23 years. The informant tried to get the dead
body identified from the crowd, but the dead body could not be



identified. Hence, the informant suspected that the victim was killed somewhere else and thereafter his dead body was thrown on four lane road, near the village Budhuchak, which led to registration of FIR against the unknown.

It is submitted by learned counsel for the petitioner that since the victim Sonu Kumar had love affairs with Sushma Kumari and the petitioner is cousin (brother) of Sushma Kumari, hence, he has been roped in, in the present case. The name of the petitioner has been sprang up on the confession of the co-accuse. Moreover, the co-accused Kedar Rai has been granted regular bail vide order dated 17.10.2017, passed by the learned Additional District and Sessions Judge-I, Patna City. The investigation is still pending. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that though the petitioner is not named in the FIR, but the impugned order suggests that some material has also come against the petitioner. However, the investigation is still pending.

Considering the rival submissions of the parties, the petitioner's name sprang up on the confession of co-accused and suspicious nature of accusation since



the petitioner being cousin (brother) of Sushma Kumari with whom the victim had some love affairs, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail till conclusion of the investigation, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna City, Patna, in connection with Fatuha P.S. Case No. 261 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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