

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27115 of 2019

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

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Gaurav Kumar @ Golu @ Gorakh Mahto, Son of Arvind Kumar, Resident of
Village - Rekabganj, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Chandram

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for anticipatory
bail 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 6.40 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 for the
purpose of service of notice, but as soon as, he reached near four
lane road, near village Badhuchak, he saw a crowd surrounding
a dead body of a male aged about 23 years. The informant tried
to get the dead body identified, but none from the crowd



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

On submission of learned counsel for the petitioner that 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 the present case on suspicion. Moreover, petitioner's name sprang up on the confession of co-accused. Moreover, co-accused Kedar Rai has been granted bail vide order dated 17.10.2017, passed by learned Additional District & Sessions Judge-I, Patna City and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, the petitioner was granted provisional anticipatory bail till conclusion of the investigation. Subsequently, vide Charge Sheet No. 222/18 dated 21.11.2018 chargesheet under Section 302 of the IPC, as contained in Annexure-2 has been submitted against the petitioner.

In view of the fact that once the petitioner furnished the bail bond he is treated to be in deemed custody of the Court, hence, the present anticipatory bail application is not



maintainable in view of the ratio laid down in the case of Bishundeo Sahu Vs. The State of Bihar reported in 2011(1) PLJR 731.

However, keeping in view the fact that co-accused Kamlesh @ Amresh @ Amresh Kumar, Rajesh Kumar and Krishna Kumar @ Krishna @ Baba have been granted anticipatory bail by different Co-ordinate Benches of this Court vide Cr. Misc. Nos. 61004 of 2017 and 13225 of 2018 coupled with the fact that the petitioner has enjoyed the privilege of anticipatory bail and there is nothing on record to suggest that he has misused the privilege of bail, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders within a period of six weeks from today in connection with Fatuha P.S. Case No. 261 of 2017, pending in the Court of learned A.C.J.M. V, Patna City, District – Patna.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-Anil/

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