

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3113 of 2021

Arising Out of PS. Case No.-311 Year-2019 Thana- ROHTAS District- Rohtas

Akhalesh Singh @ Akhilesh Kharwar @ Thagwa, aged about 30 years, Male,
Son Of Khair Singh Kharwar, Resident Of Village-Kachhuwar, P.S-Rohtas
(AMJHOR O.P), District- Rohtas At Sasaram.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Babu Nandan Prasad, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 364, 302 and 120(B) and
201 of the I.P.C.

The prosecution story, in brief, is that on 03.12.2019,
co-accused Rama Singh Kharwar, Akhilesh Kharwar (petitioner)
and Babuni Kharwar came and took away the father the
informant. He was searched but in vain. He instituted a Sanha
bearing no. 403/2019 (Rohtas P.S.) and on that basis a Sanha



No. 389/2019 was also instituted in Amjhor Police Station. Thereafter, on 22.12.2019, the dead body of his father was recovered in disintegrated condition near the forest of Langer Ghati and his head and legs have been removed from his body and concealed the dead body in the forest. The informant claimed that the aforesaid three accused persons might have killed his father due to previous enmity.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Neither there is any eye witness to the alleged occurrence nor any circumstantial evidence to suggest the implication of the petitioner in the present case. At best, it is a case of last seen. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned S.D.J.M. Dehri, Rohtas, in connection with Rohtas (Amjhor) P.S. Case No. 311/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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