

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5273 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- HATHAURI District- Muzaffarpur

BHAROSHI SAHANI Son of Ramsevak Shani Resident of Village -
Hanuman Nagar, Deogan, P.S. - Bochaha, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code.

The informant alleges that his son was taken by Rohit Ram on 20.06.2021 at around 7:30 PM and when he did not return, the informant started searching and asked the mother of Rohit Ram about the whereabouts of his son and Rohit, on which her mother gave mobile number of Rohit, it is next alleged that when the informant called Rohit, he informed that he had already dropped his son at 8:00 PM to his house, it is next alleged that when the informant asked Rohit where he is presently, he said that he is in Muzaffarpur but at that time he



was in the house of the petitioner, it is next alleged that thereafter again when she called Rohit, he became angry and said that he will kill her and will also commit suicide. It is next alleged that on the next day the dead body of the deceased was found.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that nothing specific has been alleged against the petitioner, it is also submitted that it absolutely does not stand to reason that on what basis the informant in the FIR has alleged that when she called Rohit and he disclosed that he was in Muzaffarpur, then how come she came to know that at that time he was sleeping in the house of this petitioner. Learned counsel further submits that even presuming what has been alleged is true, without admitting, then the allegation of last seen is with Rohit and there is nothing in the investigation which could even remotely connect the petitioner with the offence except the fact that the informant has alleged that on the date when she called him for knowing the whereabouts of her son, he said that he is in Muzaffarpur but he was in the house of the petitioner. Learned



counsel next submits that it does not stand to reason that how come the informant came to know that Rohit was in the house of the petitioner when admittedly he had not disclosed anything to the petitioner about his whereabouts.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hathauri P.S. Case No. 140 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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