

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23028 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- BATH District- Bhagalpur

=====

Arun Kumar, S/o Sri Rajaram Mandal, R/o village- Khanpurmal, P.S.- Bath,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 02-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Bath P.S. Case no. 40 of 2020 instituted for the offence
under Sections 302/201 of the Indian Penal Code.

As per allegation in the FIR, informant's son namely
Niwas Kumar (deceased) is missing from 09.08.2020. On
search, dead body of his son was found hanging from a mango



tree near an orchard towards eastern side of the bank of river.

The informant has filed the instant case against unknown.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The name of the petitioner has been surfaced during enquiry. During course of investigation it has come into light that the informant's son (deceased) had a love affair with one Ankita Bharti, who is sister-in-law (bhabhi) of this petitioner. The petitioner is named in the instant case only because he along with his brother had some hot talk with the deceased. From perusal of the C.D.R., it is evident that he has no concern with the mobile calls from which the deceased gets threat of killing. Similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 1.7.2021 passed in 16340 of 2021.

Learned APP for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Bath P.S. Case no. 40 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-13, Bhagalpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

U		T	
---	--	---	--

