

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15551 of 2022

Arising Out of PS. Case No.-110 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAUSHAN KUMAR SON OF RAM VINAY SINGH R/O VILLAGE-
KHAMHAR, P.S.- BEGUSARAI MUFFASIL, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 328 and 302/34 of the
Indian Penal Code.

The informant alleges that on 29.02.2020 at about 2:00
pm, co-accused Ram Vinay Singh and Anil Singh came to his
house and took his son (deceased) to the house of Anil Singh on
the pretext of settling the outstanding dues with regard to the land.
It is next alleged that when the deceased did not return, the
informant sent his son to the house of Anil Singh where the
deceased asked his younger brother to return as he will come after
two hours, further the named accused persons, including the



petitioner, were present there and were seen by the younger son of the informant. Thereafter it is alleged that deceased did not return till late night and accordingly a search was made and on the next day i.e., on 01.03.2020, the dead body of the son of the informant was found in the field of one Pramod Singh.

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 admittedly the present occurrence arises out of a land dispute. Learned counsel next submits that the deceased had executed a sale deed in favor of the father of the petitioner after receiving the entire consideration as such there was no occasion for the deceased to go to the house of the petitioner for getting the outstanding dues cleared, it is next submitted that the entire allegation hinges around suspicion and the informant is not an eye witness to the occurrence. Learned counsel next submits that deceased never went to the house of the petitioner and even presuming what has been alleged is true, without accepting, then if the deceased had gone to the house of the petitioner that in itself demonstrates that the deceased had no apprehension from the accused persons including the petitioner, it is next submitted that police after investigation submitted final form no. 15 of 2022 dated 30.01.2022 in favor of the petitioner and his brother which further



demonstrates the falsity of the allegations but the learned trial Court differing with police report took cognizance in a haphazard manner.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that one investigating agency after threadbare investigation submitted final form in favor 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 Court below 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 court below where the case is pending/successor court in connection with Begusarai Muffasil P.S. Case No. 110 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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