

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22932 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

=====

Visvajeet Kumar @ Vishwajit Kumar @ Yuvraj Patel S/O Ranjeet Kumar @
Guddu Mukhiya R/o village- Chandraura, P.S.- Chhabilapur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 19143 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

=====

REKHA DEVI W/o Ranjeet Kumar @ Guddu Mukhiya Resident of Village-
Chandraura, P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22932 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ravindra Kumar, APP

For the Informant : Mr. Arjun Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 19143 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ravindra Kumar, APP

For the Informant : Mr. Arjun Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-12-2022

CRIMINAL MISCELLANEOUS No.22932 of 2022

Heard learned senior counsel for the petitioner,
learned counsel for the informant and learned A.P.P. for the
State.

The petitioner apprehends his arrest in a case



registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent, is a young boy of 21 years and the informant alleges that her husband had gone to Silao on his motorcycle and at 5:00 pm when he reached near Majaitha Turning, the petitioner along with seven-eight unknown accused fired killing him, further six cartridges were recovered from the place of occurrence by the police, it is next alleged that reason for the occurrence is that on 14.01.2021, the informant's nephew was murdered by accused persons for which Chhabilapur P.S. Case No. 40 of 2021 was instituted and her husband was a witness in that case.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that informant is not an eyewitness to the occurrence, it is also submitted that though it is alleged that Chhabilapur P.S. Case No. 40 of 2021 was instituted for murder of her nephew in which the deceased was a witness but then the present petitioner is not an accused in the said case as such no useful purpose would have been served by killing the deceased



by the petitioner. Learned senior counsel submits that petitioner is a young boy and in the event, if he is sent to judicial custody, in the nature of allegation as alleged, then his entire career would be jeopardized and chances are bright that he may come in contact with hardened criminals, it is further submitted that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

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 in a position to rebut the submission of the learned senior counsel for the petitioner that the informant is not an eyewitness to the occurrence rather there is no eyewitness to the occurrence and the entire allegation hinges around suspicion.

Considering the submissions made by the learned senior 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. 20,000/- (Rupees Twenty 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 Silao P.S. Case No. 181 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to the Court, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

CRIMINAL MISCELLANEOUS No. 19143 of 2022

Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that



petitioner is a women, she has antecedent of two cases but both the cases relate to election dispute and the informant alleges that her husband had gone to Silao on his motorcycle and at 5:00 pm when he reached near Majaitha Turning, the petitioner along with seven-eight unknown accused fired killing him, further six cartridges were recovered from the place of occurrence by the police, it is next alleged that reason for the occurrence is that on 14.01.2021, the informant's nephew was murdered by accused persons for which Chhabilapur P.S. Case No. 40 of 2021 was instituted and her husband was a witness in that case.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that informant is not an eyewitness to the occurrence rather there is no eyewitness to the occurrence when it has been alleged that the occurrence took place near a marketplace, it is also submitted that though during the course of investigation the statement of the daughter of deceased was recorded wherein she has stated that she had seen the accused persons at the place of occurrence but then the FIR was instituted by the wife of the deceased and the said fact was not there in the FIR which amply demonstrates that by way of afterthought, the said statement was made during the course of



investigation. Learned senior counsel further submits that purpose of arrest is not to punish but to ensure that the investigation is not hampered, further the petitioner will cooperate in the investigation and will present herself as and when required by the Investigating Officer of the case so that the truth comes out.

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 in a position to rebut the submission of the learned senior counsel for the petitioner that the informant is not an eyewitness to the occurrence rather there is no eyewitness to the occurrence and the entire allegation hinges around suspicion.

Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of her 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. 20,000/- (Rupees Twenty 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 Silao P.S. Case No. 181 of 2021 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to the Court, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

Rishi/-

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

