

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19160 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. VISHAL KUMAR Son of Sri Arjun Sharma Resident of Village - Biropur,
P.S.- Sadar Hajipur, District - Vaishali
2. Sharvesh Kumar @ Bittu Kumar Son of Sri Arjun Sharma Resident of
Village - Biropur, P.S.- Sadar Hajipur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-11-2022 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 2, namely, Sharvesh Kumar @ Bittu Kumar.

Permission is accorded.

Heard learned counsel for the petitioner no. 1 and learned A.P.P. for the State.

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

The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is a person with clean antecedent.

The informant alleges that on 30.12.2021 at about 12:30



p.m., petitioner no. 1 and Sharvesh Kumar came at his house on their motorcycle and took his son (deceased) along with them as they were classmate and were known to each other from before. It is further alleged that when at late night the informant's son did not return the informant's wife informed the informant, accordingly, a search was made in the morning. Sharvesh Kumar informed the informant by call that informant's son is ill. It is further alleged that informant's daughter also told the informant that she has called the deceased which was received by petitioner no. 1 at 04:30 a.m. who said that deceased is sleeping and he will arrange the talk after he woke up. It is further alleged that informant went to the house of Sharvesh Kumar and came to know that the accused persons including the petitioner no. 1 are in brinjal field of one Arjun Sharma and accordingly, he reached there and saw his son lying there. There was bleeding through his nose but based on suspicion the informant alleges that petitioner no. 1 along with some unknown accused strangled his son to death.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 has been falsely implicated in the present case. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that petitioner no. 1 and the deceased were classmate and were known to each other. It is next



submitted that when the deceased left his house with the petitioner no. 1 there was absolutely no objection from the side of the informant which amply demonstrates that he was also knowing the relationship between the deceased and the petitioner no. 1. It is also submitted that though in the FIR, it is alleged that the informant's son was strangled to death but the said allegation is based on suspicion and gets belied from the postmortem report as the postmortem report does not even remotely suggest that there was any internal or external injury though viscera was sent for further examination. It is further submitted that it absolutely does not stand to reason that as to why the petitioner no. 1 would have killed the deceased when they were known to each other and the deceased had left with him which was in the knowledge of the informant and his family members and were even classmate. It is next submitted that petitioner no. 1 is a young boy aged about 21 years and his name transpired based on suspicion. In the event, if the petitioner no. 1 is sent to jail his entire career would get jeopardize and there are chances that he may come in the company of hardened criminals.

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 no. 1, the petitioner no. 1 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 Hajipur Sadar P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further one of the bailors of the petitioner shall be his father, namely, Arjun Sharma. Further, in the event, if any application is filed by the Investigating officer before the learned trial court bringing to the notice that the petitioner after obtaining bail is not cooperating in the inquiry, the learned trial court shall forthwith cancel the bail bond of the petitioner after giving an opportunity of hearing.

(Satyavrat Verma, J)

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