

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18990 of 2022

Arising Out of PS. Case No.-76 Year-2020 Thana- SULTANGANJ District- Patna

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ARVIND KUMAR SON OF DEV KUMAR MAHTO RESIDENT OF
MOHALLA- NEHRU NAGAR, P.S.- PATLIPUTRA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 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 363 and 365 of the Indian Penal Code.

The informant alleges that his minor son was having friendship with one Sujeet Kumar who along with his wife used to come to his house, it is next alleged that one day Sujit Kumar threatened the informant that he would assault his son if he talks to his wife, it is further alleged that on 23.02.2020, Sujit Kumar's wife talked to the victim on which informant scolded the victim and reprimanded him and suggested not to talk to her. It is further alleged that victim went out of the house on motorcycle on 23.02.2020 at about 2:25 pm and did not return



home, it is next alleged that Sujit and his wife's mobile was switched off along with the victim's phone and even after search, the victim could not be located.

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 petitioner is not named in the FIR and from the tenor of the allegation as alleged in the FIR it would manifest that informant suspected the hand of Sujit and his wife as Sujit had earlier threatened the informant of dire consequences as victim used to talk to his wife which was objected by him. Learned counsel next submits that police during the course of investigation arrested Sujit and his wife and Sujit in his confessional statement disclosed the name of this petitioner as an accomplice in the crime and also submitted that since the victim was talking to his wife as such he along with this petitioner killed the victim and threw his dead body. Learned counsel submits that admittedly the name of the petitioner was disclosed by Sujit who has been granted bail by the learned Additional District and Sessions Judge-I Patna City on the ground that apart from his confessional statement, there is nothing to even remotely connect him with the offence nor the dead body or any material like mobile have been recovered.



Learned counsel thus submits that when the accused in whose confessional statement the name of the petitioner transpired has been granted bail, it would be a travesty of justice to not consider the case of the petitioner for anticipatory bail as sending the petitioner to the jail would not serve any purpose.

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 Sultanganj P.S. Case No. 76 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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