

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32975 of 2022

Arising Out of PS. Case No.-638 Year-2021 Thana- AKBARPUR District- Nawada

1. SHAILENDRA KUMAR SON OF GANDHI SINGH RESIDENT OF VILLAGE- KULNA, P.S.- AKBARPUR, DISTRICT- NAWADAH.
2. JITENDRA SINGH SON OF RAJA RAM SINGH RESIDENT OF VILLAGE- BARAT, P.S.- SITAMARHI, DISTRICT- NAWADAH.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For the Informant	:	Mr.Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2 as he has been arrested during pendency of the anticipatory bail application.

Permission is accorded.

The petitioner no.1 apprehends his arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant



alleges that niece of Nawlesh Kumar went missing on 09.10.2021 and was traced on 10.10.2021, further Nawlesh Kumar and father of Soni (victim) raised suspicion on brother of the informant namely Rahul to have enticed Soni to flee away, it is next alleged that on 13.10.2021, informant's brother had gone to attend nature's call but after sometime the dead body of his brother was found.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on suspicion, there is no eyewitness to the occurrence and it absolutely does not stand to reason that as to why the petitioners would have committed the occurrence by killing the brother of the informant when admittedly no case from the side of the petitioner was filed on account of elopement of Soni, learned counsel thus submits that entire allegation hinges around suspicion.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, 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 Akbarpur P.S. Case No. 638 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, if the charge-sheet is filed against the petitioner, then the present order shall lose its effect.

(Satyavrat Verma, J)

Rishi/-

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

