

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34505 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- SONBERSA District- Sitamarhi

SATYENDRA KUMAR Son of Sant Mukhiya Resident of Village - Bhutahi,
P.S.- Sonbarsa, District - Sitamarhi (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2022 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 302 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 Ram Ashray Mukhiya had threatened of dire consequences on refusal of his son to marry the daughter of Ram Ashray, further on 18.11.2021 in the night his son had accompanied the petitioner and Jitendra on bike and on the next day his dead body was found in an orchard.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated based on suspicion, it is next submitted that the deceased accompanied the petitioner



willingly without any protest. It is also submitted that neither the informant nor his family members objected when deceased was accompanying the petitioner, it is next submitted that the F.I.R does not even remotely suggest that the deceased was forcibly taken by the petitioner and Jitendra which amply demonstrates that there was no threat or perceived threat by the deceased or his family members against the petitioner, it is next submitted that there is no eye witness to the occurrence and based on suspicion only the present F.I.R has been instituted.

Learned counsel for the petitioner next submits that the petitioner will cooperate in the investigation and will present himself as and when required by the Investigating Officer. It is also submitted that petitioner is not related to Ram Ashray Mukhiya as such there was no occasion for him to commit the occurrence.

Learned counsel for the petitioner further submits that the purpose of arrest becomes relevant only when an accused evades the law and does not cooperate in the investigation but here the petitioner is willing and ready to cooperate in the investigation.

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 Sonbersa P.S. Case No. 325 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, 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 an undertaking before this Court that he will cooperate in the investigation and will present himself as and when called for by the I.O, is not cooperating in the investigation or is not appearing as and when called for, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

The Trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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