

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36881 of 2022

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

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1. RAHUL KUMAR SON OF LATE ANUJ SINGH @ RAM ANUJ SINGH
R/O VILLAGE - KULNA, P.S.- AKBARPUR, DISTRICT- NAWADA
 2. ROHIT KUMAR SON OF LATE ANUJ SINGH @ RAM ANUJ SINGH
R/O VILLAGE - KULNA, P.S.- AKBARPUR, DISTRICT- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Md. Shakir Ahmad, A.P.P.
:	Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their 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 petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 2.

Permission is accorded.

The informant alleges that accused persons were harbouring grudge that his brother Rahul enticed Sonali and fled with her on 09.10.2021, but Sonali was recovered on 10.10.2021, from brick kiln of Uday, thereafter, alleges that



Rahul, Rohit, Shailendra and Jitendra had threatened to kill Rahul, it is next alleged that on 13.10.2021, Rahul had gone to attend call of nature but later his body was found hanging in the verandah of his next door neighbour Pradeep.

Learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner no. 1 is not related to Sonali, as such, he was not harbouring any grudge against the deceased, as such, there was no occasion for him to threaten and to kill the deceased. Learned counsel next submits that the entire allegation hinges around suspicion and the petitioner is not evading the law rather will cooperate in the investigation so that the truth comes out 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 opposed the prayer for anticipatory bail of the petitioner no. 1 but are not able to meet the submission of the learned counsel for the petitioner no. 1 that the entire allegation hinges around suspicion and there is no eye witness to the occurrence and that petitioner is not related to Sonali.

Considering the submissions made by the learned



counsel for the petitioner no.1, the petitioner above-named, in the event of their 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) each 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 Akbarpur P.S. Case No. 638 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 assurance to this Court is not cooperating in the investigation or is not presenting himself 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 liberty to cancel his bail bonds.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

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