

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52982 of 2021**

Arising Out of PS. Case No.-198 Year-2020 Thana- SULTANGANJ District- Bhagalpur

DEVA MODI @ DEVANAND CHAURASIYA S/o SHANKAR MODI @
SHANKAR PRASAD MODI R/o MODI TOLA, P.S-SULTANGANJ,
DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-06-2022 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 201 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 on 13.09.2020 at 1:00 am her son received a phone call and after that he left the house and did not return for two days, thereafter the informant and her family members started searching him on 16.09.2020, as he was in habit of going out of the house for 2-3 days without informing anybody. It is next alleged that on 17.09.2020 at 9:00 am they came to know that a



dead body was lying near Krishna stadium, accordingly they went to the place of occurrence and identified the dead body as of her son. It is further alleged that the reason for death was not clear and it appeared that some unknown person had killed the deceased.

Learned counsel for the petitioner submits that the F.I.R. was against unknown, it is next submitted that the date of occurrence was 13.09.2020 and even presuming what has been alleged in the F.I.R. is true then on 16.09.2020 the informant and her family members started searching the deceased but still the F.I.R. came to be instituted on 19.09.2020 i.e., after a delay of nearly four days without any plausible explanation. Learned counsel further submits that the petitioner is a meritorious student and has secured First Division in his higher studies and is working with Hindustan Copper Limited (Indian Government Enterprise) as an Apprentice since February 2021 but on account of the dispute in the family, as the petitioner and the informant are related, the name of the petitioner was disclosed by the informant in her restatement, learned counsel submits that the fact that name of the petitioner transpired in the restatement of the informant on the basis of suspicion and that too when the informant was not an eye-witness to the



occurrence that in itself demonstrates that by way of afterthought the petitioner has been implicated in the present case.

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 and the fact that he is not named in the F.I.R. and his name transpired in the restatement of the informant, the petitioner 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) each 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 Sultanganj P.S. Case No. 198 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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