

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44585 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- DEHRI TOWN District- Rohtas

ABHISHEK KAHAR @ ABHISHEK KUMAR Son of Kanhaiya
Chandarvanshi Resident of vill- Babujang, Pahleza, Rohtas, Pahleza, Bihar
821305

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Shekhar, Advocate

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-12-2022 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 petitioner is a person with clean antecedent and the informant alleges that petitioner and Kampany Kumar had taken his father by motorcycle but he did not return, on query Kampany disclosed that he returned the same day, it is further alleged that dead body of his father was recovered the next day from Kau river.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the father of the informant willingly accompanied the petitioner and Kampany Kumar, as such, there was no apprehension between the father of the informant and the accused persons nor informant had any apprehension from the accused person including the petitioner or else he would not have allowed his father to leave with them, it is next submitted that informant is not an eye witness to the occurrence and the dead body of the deceased was found from Kau river and the cause of death as recorded in the postmortem report is asphyxia caused by drowning leading to cardio-respiratory failure.

Learned counsel for the petitioner next submits that the allegation hinges around suspicion and the petitioner will not evade the law rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out. It is also submitted that petitioner is aged about 21 years and is a young boy and if he is sent to custody in the nature of allegation as alleged then his entire career would be jeopardized and chances are bright that he may come in contact with hardened criminals.



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 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 Dehri Town P.S. Case No. 69 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor of the petitioner shall be his father Kanhaiya Chandravanshi.

Further, 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 co-operating in the investigation or is not presenting himself when called by him, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the petitioner.



Further, if the Investigating Officer files charge-sheet after investigation connecting the petitioner with the offence then also the learned Trial Court shall have the liberty to pass orders in accordance with law.

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

(Satyavrat Verma, J)

GauravSinha/-

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