

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43381 of 2022**

Arising Out of PS. Case No.-133 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

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Gonaaur Paswan @ Gonaaur Pasawan S/o Anurag Pasawan @ Jagga paswan
R/o village- Basudeo Chhapra (Minapur), P.S.- Minapur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

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

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

2 13-12-2022 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, 120(B), 201 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 his son was taken to Punjab by Rajendra Prasad and other co-accused persons to work there as labour with an assurance that he would be paid Rs. 10,000/- (Ten thousand) per month for his work, it is next alleged that on 30.05.2019, all the accused persons, including the petitioner, returned their home without informant's son and when he inquired about his son, the



accused persons only returned bag of his son but did not disclose anything satisfactorily about his whereabouts. It is further alleged that informant went to Punjab in search of his son and there he came to know that his son had left for his native village on 29.05.2019 along with the accused persons, it is thus alleged that to usurp an amount of Rs. 40,000/- (Forty thousand) earned by his son, the accused persons, including the petitioner killed him and got the dead body disappeared.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from bare perusal of the allegations as alleged in the FIR it would manifest that the entire allegation hinges around suspicion, informant is not an eye-witness to the occurrence nor the FIR discloses that who in Punjab disclosed to the informant that his son had returned to his native village along with the accused persons, including the petitioner, it is also submitted that in the FIR it has been alleged that the accused had returned the bag of the deceased but the FIR is silent that as to which accused had returned the bag, learned counsel thus submits that the said allegation was leveled only with a view to make out a case for implicating the accused persons. Learned counsel submits that petitioner is not related to the informant in any



manner nor it has been alleged that it was petitioner who had kept the money was earned by the deceased while his stay in Punjab, learned counsel at the cost of repetition submits that the entire allegation hinges around suspicion and the petitioner will not evade law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for arriving at the truth.

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 Siwaipatti P.S. Case No. 133 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, 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



assurance to this Court, is not cooperating in the investigation or is not appearing 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 the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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