

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1546 of 2022**

Arising Out of PS. Case No.-93 Year-2019 Thana- PALIGANJ District- Patna

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SANTOSH KUMAR SON OF SHIV PRASAD YADAV RESIDENT OF  
VILLAGE- CHANDA, P.O. MAINPURA CHANDA, P.S.- KALER,  
DISTRICT- ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Advocate

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

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

10    08-08-2022                      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 his sister informed him that younger brother Sunil  
was missing and she was not able to contact him further alleges  
that he received information that a dead body was lying in  
village Akuri and when he reached the place of occurrence, the  
dead body of his brother was identified.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the FIR was instituted on 12.03.2019 against unknown accused. Learned counsel next submits that the informant in his restatement recorded on 19.04.2019 for the first time stated before the police that the petitioner was a friend of the deceased and he had threatened a girl, namely, Shivani with whom the deceased had illicit relationship and thus suspected that the victim was murdered by the petitioner and co-accused persons. Learned counsel thus submits that it absolutely does not stand to reason that as to why the informant on 12.03.2019 did not allege the said fact in the FIR, it is also submitted that even after instituting the FIR, the informant for nearly more than a month did not make any statement before the police and it was only on 19.04.2019 i.e., after more than a month of the occurrence, the said statement was made in which suspicion was raised against the petitioner. It is further submitted that apart from suspicion, there is nothing against the petitioner and even during the course of investigation no such material has come which could directly or indirectly connect the petitioner with the offence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that informant in



his restatement has taken the name 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 Paliganj P.S. Case No. 93 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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