

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65579 of 2022

Arising Out of PS. Case No.-476 Year-2022 Thana- NAGAR District- Vaishali

RAJEEV KUMAR Son of Dinesh Singh R/V- Hathsarganj, P.S- Hajipur
Town, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant/s	:	Mr. Sabal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

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 co-accused Tetri Devi has been granted anticipatory bail by order dated 21.12.2022 in Cr. Misc. No. 65595 of 2022.

Learned counsel next submits that petitioner is the brother of Mala, who is wife of the deceased. It is next submitted that allegation in the FIR is that deceased was married to Mala (sister of the petitioner) and Mala was having an illicit



relationship with another boy, on account of which there was dispute and Mala was staying in her parental home where deceased used to visit him, further on 25/26.06.2022 at 3:00 AM in the morning the father-in-law of the deceased informed the informant that deceased was unwell and thus asked him to come on which informant reached the place of occurrence at 4:00 AM in the morning and found Jitendra Kumar (deceased) dead, on inquiry he came to know that in the evening some scuffle had taken place between Jitendra and his in-laws and in the night Mala, Dinesh, Tetri and petitioner in connivance with each other committed murder of Jitendra Kumar.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent, it is also submitted that informant is not an eye-witness to the occurrence and the FIR does not even remotely disclose that who informed the informant that the accused persons, including the petitioner, had committed the occurrence, it is next submitted that out of the wedlock three children were also born and no brother would kill his own brother-in-law and thus make his own sister a widow. The learned counsel next submits that the purpose of arrest is not to punish but to ensure that investigation is not hampered and the petitioner will not evade the law/investigation and will



present himself as and when required by the Investigating Officer of the case, so that the truth comes out.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that during the course of supervision it has come that the villagers had brought the accused persons, including the petitioner, to the police station but they were let off. It is also submitted that there is allegation against the petitioner of killing the deceased along with his family members, but is not able to rebut the submission of the learned counsel for the petitioner that informant is not an eye-witness to the occurrence and Tetri Devi has been granted anticipatory bail.

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 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) 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 Hajipur Town P.S. Case No. 476 of 2022 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 co-operating in the investigation or is not appearing when called for, the learned trial court after giving him an opportunity of hearing shall pass order in accordance with law and shall also be entitled to cancel his bail bonds.

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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