

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68894 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

GOLDEN KHAN @ SHAHNAWAJ KHAN Son of Maujim Khan @ Md.
Mobin Khan Resident of Village- English Chichraun, P.S.- Akbarnagar,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 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 363, 365, 302, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 28.03.2022 his son Shubham along with Raj Kumar Rai left on a motorcycle for purchasing stationary, on way they received Rs. 2,000/- and an automatic camera from their friend Sahid Raja and met Jai Kishan, further his son was last seen with Raj Kumar and Jai Kishan on a motorcycle going towards Shahkund, thereafter it is alleged that mobile of all the



three persons were switched off hence he presumes that his son was abducted.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and is a young boy aged about 20 years is not named in the F.I.R. and during the course of investigation, his name transpired in the confessional statement of Jai Kishan and Shahid Raja who disclosed that victim was murdered by the accused persons including the petitioner, further based on confession dead body of Shubham was recovered, it is next submitted that in the investigation, it further transpired that the occurrence took place as deceased and Shahid Raja were in love with one girl Vishakha.

Learned counsel for the petitioner next submits that the entire allegation against this petitioner hinges on confessional statement of co-accused in police custody which does not have any evidentiary value, it is also submitted that the dead body was recovered at the instance of the arrested accused persons. It is next submitted that purpose of arrest is not to punish but to ensure that the investigation is not hampered and the petitioner will co-operate in the investigation and will present himself on each and every date when called 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Akbarnagar P.S. Case No. 31 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be his father namely Maujim Khan @ Md. Mobin Khan.

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 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 his bail bonds and to take all coercive steps to ensure that he is behind bars.

Further, if charge-sheet is submitted against the petitioner connecting him with the offence after the investigation then the present anticipatory bail order shall lose its effect.

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

(Satyavrat Verma, J)

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