

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23026 of 2023

Arising Out of PS. Case No.-597 Year-2021 Thana- PHULWARISHARIF District- Patna

SHAIENDRA KUMAR @ SHAIENDRA SINGH Son of Raghunath
Singh Resident of Village - Basant Chak Bodhgaman, P.S.- Phulwarisharif,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023 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.

The informant alleges that she received an
information on 31.07.2021, at about 2:30 PM that her father-in-
law has been assaulted and murdered at his house at about 3:00
PM, accordingly, she reached the place of occurrence and saw
the dead body of her father-in-law lying in a pool of blood,
accordingly, based on suspicion, it is alleged that the accused
persons including the petitioner committed the occurrence.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and has been falsely implicated in the present case.

Learned counsel for the petitioner next submits that the petitioner was not arrested from the spot, it is next submitted that the informant is not the eye-witness to the occurrence and the entire allegation hinges around suspicion and the petitioner is cousin nephew of the deceased, there is admitted land dispute between the parties, it is next submitted that the murder of the father-in-law of the informant was taken as an opportunity by the informant to falsely implicate the petitioner and other family members. It is next submitted that the petitioner will not abscond, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth. It is next submitted that similarly situated co-accused, Navin Kumar, has already been granted the privilege of anticipatory bail by this Court by order dated 26.06.2023 in Criminal Miscellaneous No. 21858 of 2023.

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. 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 Phulwarisharif P.S. Case No. 597 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear, that 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 cooperating in the investigation or is not making himself available as and when called, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be also sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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