

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24117 of 2023

Arising Out of PS. Case No.-344 Year-2018 Thana- FATEHPUR District- Gaya

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ALOK KUMAR Son of Yogendra Singh Resident of Village - Pakri, P.S.-
Fatehpur, District - Gaya, Pin - 824232.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Abhay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.
For the Informant	:	Mr. Shailesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2023 1. Heard learned Senior counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 302,

120(B) and 34 of the Indian Penal Code and Section 27 of the

Arms Act.
3. The informant alleges that his son (Mohit) and

Bhanu went to Fatehpur to meet Rahul and Raushan, further at

8:30 PM he received a call from Bhanu informing that Mohit

had received firearm injury, thus alleges based on suspicion that

Rahul and Raushan killed his son, it is next alleged that about 5-

6 months back Rahul, Rajeev and Raushan had demanded the



SUV vehicle and on refusal Rahul had threatened his son with pistol, it is further alleged that gold chain etc were also missing.

4. Learned Senior counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the present case, it is next submitted that petitioner is not named in the FIR, it is further submitted that the name of the petitioner transpired during the course of investigation based on the statement of Bhanu recorded by the police under Section 161 Cr.P.C. at paragraph 43 of the Case Diary. It is further submitted that it absolutely does not stand to reason that if Bhanu had seen the occurrence then what prevented him from informing the informant about the same, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that Bhanu had not disclosed to the informant about anyone, as such, the entire allegation was based on suspicion on account of previous animosity as alleged in the FIR that about 5-6 months back Rahul, Rajeev and Raushan had demanded the SUV Vehicle and on refusal by the deceased, Rahul had threatened him, it is further submitted that it absolutely does not stand to reason that if the relationship between Rahul, Raushan with the deceased was so strained that the chances of his killing was bright then why on their calling



the deceased in the evening went to meet them, this further points to the fact that there was no such animosity and the informant based on suspicion merely alleged that they might be instrumental in killing the deceased as they had come in the morning asking the deceased to come to Fatehpur to meet them.

5. Learned Senior counsel for the petitioner further submits 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.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submissions of the learned Senior counsel for the petitioner that Bhanu though he claims to be an eye witness during the course of investigation but from perusal of the FIR it manifest that at the first instance he had not disclosed the name of any of the accused in killing of the deceased.

7. 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 Fatehpur P.S. Case No. 344 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear 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 presenting himself as and when required the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

9. Let a copy be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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