

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29523 of 2023**

Arising Out of PS. Case No.-143 Year-2020 Thana- MAHNAR District- Vaishali

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1. ABHISHEK KUMAR @ MUNNA S/o- SURENDRA BHAGAT Resident of Village- Alipur Hatta PS- Mahnar Dist. - Vaishali
  2. Sujeet Kumar @ Lalu Paswan @ Lalu Son of Bhuneshwar Paswan Resident of Village - Alipur Hatta PS - Mahnar Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

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

- 3      02-08-2023      1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are young boys aged about 24 years and 20 years respectively.
4. The informant alleges that on 08.05.2020 her son along with Kaushal Kumar Prince, Rajmohan Paswan, Pappu Kumar, Aakash Kumar @ Malkhan and other friends had gone to Alipur Hatta Ghat and her son died of drowning. Accordingly, an UD Case No. 03 of 2020 was instituted but in the



postmortem report, it came that the death was due to throttling and chest injury leading to asphyxia, thus the case was of murder and during investigation the role of the accused persons including the petitioners surfaced.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that initially when the UD case was instituted by the mother of the deceased at that point of time the petitioners were not named in the UD case, though the mother of the deceased had stated that her son along with his named friend and some other friends had gone to the Ghat but since the petitioners were not named that amply demonstrates that the mother was not knowing them nor the deceased had informed about them. It is next submitted that some of the accused persons moved before this Court by filing Cr.W.J.C. No. 153 of 2017 with a prayer that the case be investigated in a proper manner and innocent be not implicated falsely. It is also submitted that Cr.W.J.C. No. 153 of 2017 was disposed of by order dated 09.09.2022 and the order took into consideration the relevant submissions raised by the petitioners of that case with certain directions for fair investigation.

6. Learned counsel for the petitioners further submits



that petitioners will not abscond rather will cooperate in the investigation and will present themselves before the investigating officer of the case for eliciting the truth and proving their innocence.

7. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submits that during the course of investigation the role of the accused persons including the petitioners surfaced that they were involved in the occurrence of killing of the deceased. It is further submitted that some of the accused persons had moved before this Court seeking anticipatory bail but their anticipatory bail application was rejected. It is next submitted that process under Sections 82 and 83 of the Cr.P.C. has been issued.

8. Learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that the accused persons, whose anticipatory bail was rejected by this Court, were those who were named in the FIR whereas the petitioners were not named initially in the UD case. It is further submitted that petitioners are availing their remedies available in law and in the meantime if process under Sections 82 and 83 of the Cr.P.C is issued whether the same disentitles



the petitioners for being considered for anticipatory bail.

9. The Court concurs with the submission of the learned counsel for the petitioners to the extent that process under Sections 82 and 83 Cr.P.C. was issued when the petitioners were availing their remedies available in law for seeking pre-arrest bail.

10. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Mahnar P.S. Case No. 143 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the



petitioners after recording reasons.

12. Let a copy of this order be sent to the concerned police station through the learned court below.

13. However, it is made clear that if the charge-sheet is submitted against the petitioners connecting them with the offence, in that event the present anticipatory bail order shall loose its effect.

**(Satyavrat Verma, J)**

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