

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33211 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- WAJIRGANJ District- Gaya

SHASHIKANT GAUTAM SON OF SHRI ANUJ KUMAR GAUTAM
RESIDENT OF VILLAGE MIRGANJ, PS- WAZIRGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Pd. Singh, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

For the informant : Mr.Amar Nath Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2023 Heard learned counsel for the parties.

2. Petitioner apprehends his arrest in connection with Wazirganj P.S. Case No.27/2023, G.R. No.315/2023, registered for the offence punishable u/s 363 of the IPC.

3. As per the prosecution case, the son of the informant went with his friends but he did not return to his home for two days and all his friends stated different versions regarding the whereabouts of her son.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioner is one of the friends of the son of the informant and he had returned to his house prior to the alleged date of occurrence. It is submitted that



the deceased was over drunken and fell in the well at the time of running away from the place of quarrel. There is no specific allegation against the petitioner and he has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that petitioner in the investigation, it was found that her son had a fight with his friends, who, murdered him and thrown his body in the well, which was later on recovered.

6. Having regard to the facts and circumstances of the case, considering the nature of allegation and the last seen theory, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that some of the co-accused have been granted regular bail by the learned Court below itself.

(Anjani Kumar Sharan, J)

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