

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44489 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- PARBATTI District- Khagaria

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ARUN PASWAN @ BANGALI PASWAN @ BAIGAN PASWAN SON OF
BHAGWAT PASWAN SALARPUR, PS- PARBATTI, DISTRICT-
KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 1. Heard learned counsel for the petitioner 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,
201, 406, 120(B) r/w and 34 of the Indian Penal Code.

3. The informant alleges that his son Md. Afjal on
25.10.2022, informed that he is going with Nikesh who was
standing outside the door and thereafter both left, it is next
alleged that after dinner they slept as they were aware that
Afjal sleeps near the door, it is further alleged that in the
morning Afjal was missing from the bed, thereafter, a
search was made and on enquiry Nikesh disclosed that his



son had not come to his house, thereafter, enquiry was made from relatives but to no avail, it is next alleged that on 30.10.2022, he came to know that his son has been murdered and his dead body was buried in a banana orchid of Shambhu Singh, thereafter, the dead body was recovered with the help of police, thus alleges based on suspicion that his son was killed by Nikesh along with unknown accused persons for the reason that his son on disclosure of Nikesh regarding buying a second hand auto had given Rs. 25,000/- by way of advance to him out of Rs. 50,000/- but neither returned the money nor got the auto purchased.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the entire allegation hinges around suspicion, it is next submitted that petitioner being father of Nikesh has been implicated when no aspersion even has been cast against him, it is next submitted that the date of occurrence is 25.10.2022, and the FIR came to be instituted on 30.10.2022, when from perusal of the FIR it would manifest that the petitioner on 26.10.2022, itself came to know that



his son was missing and he started searching but still the FIR was not instituted promptly, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that informant had gone to the house of Nikesh for enquiring about his son but he informed that he has not come to his house and thereafter he started enquiring from his relatives which amply demonstrates that even informant was not sure whether his son had really gone to the house of Nikesh or not or else would not have started enquiring from his relative rather would have instituted an FIR promptly, it is next submitted that even the motive assign for committing the occurrence does not appear to be probable.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is father of Nikesh, 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 Parbatta P.S. Case No. 469 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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