

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42856 of 2023

Arising Out of PS. Case No.-73 Year-2021 Thana- BARHARIA District- Siwan

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Gautam Prasad S/O Shivnath Prasad Singh @ Shivnath Prasad Singh R/O
Village- Halim Tola, Ps. Barharia, Dist. Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Barharia P.S. Case No. 73 of 2021 registered for the
offences punishable under Sections 147, 323, 324, 302 and
120(B) of the Indian Penal Code read with Section 27 of the
Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that Vikash and Lakshman came and took his brother for
some urgent talk and after one and half hour, he came to know
that his brother was shot dead and his dead body was lying near
a canal, accordingly he reached the place of occurrence and
found his brother's dead body, thus alleges that accused persons,



including the petitioner, killed his brother.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that informant is not an eyewitness to the occurrence, it is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that specific allegation is alleged against Vikash and Lakshman of taking away informant's brother, it is further submitted that the entire allegation against the petitioner hinges around suspicion. Learned counsel 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 and proving his innocence.

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, the petitioner above-named, in the event of his 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) 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 Barharia P.S. Case No. 73 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 presenting himself as and when required, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned PS through the learned trial court.

(Satyavrat Verma, J)

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