

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56409 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- ALIPUR District- Gaya

Subal Kumar @ Subhal Kumar Son Of Balkeshwar Pandit R/O Village-
Vaina, P.S.- Ghosi, Distt.- Jehanabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Shiw Kumar Prabhakar, Advocate
For the Opposite Party : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard Mr. Shiw Kumar Prabhakar, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

The petitioner apprehends his arrest in connection with
Alipur P.S. case No. 37/2020 for the offence registered under
Sections 302/120(b) of the Indian Penal Code along with 27 of
Arms Act.

As per the prosecution story, the informant alleged that
his late father was working as a ‘chowkidar’ at Alipur police
station and was deputed at a quarantine centre at Sarvodaya
High School, Makhdumpur. Allegation is that he was called
outside and subsequently was killed. Accordingly, the F.I.R. was
lodged and the SIM that was used to call the deceased was
found to be that of the petitioner.

The petitioner, however, clarified that he had taken SIM after submitting his documents to a shopkeeper Pawan Kumar at Kaku who used the same to issue altogether three more SIMs, one of which was used in the alleged killing.

Subsequently, during investigation, it came to notice that it was informant himself who wanted the job of his father and accordingly hatched the conspiracy to kill him. Thus, while the petitioner found himself in the list of witness, the charge sheet was submitted amongst other the informant.

However, the concerned Court took cognizance against the petitioner too necessitating the present anticipatory bail.

Learned APP for the State opposes the prayer for bail.

Taking into account the aforesaid factors and also that the petitioner do not have criminal antecedent and ultimately he will have to face the trial, this Court is inclined to grant the privilege of anticipatory bail.

In the aforesaid circumstances the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of ADJ 1st, Gaya in connection with Alipur P.S. case No.

37 of 2020 subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Rajiv Roy, J)

Shahnawaz/Vats-

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