

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63777 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- PARSABAZAR District- Patna

SANTOSH KESHRI @ SANTOSH KUMAR KESHRI Son of Late Vishwanath Prasad Keshri Resident of - Bramha Asthan, Kurthaul, Beside Corporation Bank (Behind Union Bank as per FIR), P.S.- Parsa Bazar, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Chitranjan Sinha, Sr. Advocate
		Mr.Ranjit Kumar, Advocate
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-05-2023 Heard Mr. Chitranjan Sinha, learned senior counsel assisted by Mr. Ranjit Kumar, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned Additional Public Prosecutor for the State.

Today a supplementary affidavit has also been filed on behalf of the petitioner. Let it be taken on the record.

The petitioner in the present case is seeking pre-arrest bail in connection with Parsa Bazar P.S. Case No. 215 of 2022 registered for the offences punishable under Sections 302, 34, 120(B) of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, the deceased brother of the informant left his house by stating that Pappu Kumar and



Vicky Kumar had called him in order to give him money. He left his house at 6:30 P.M., later on the informant came to hear the rumour that his brother has been killed by means of strangulation and his dead body is lying at Parsuramchak field. On this information, the informant went there and found that his brother had been done to death by strangulation.

Learned senior counsel for the petitioner submits that in the First Information Report it is alleged that few days back this petitioner had threatened the brother of the informant that he would be killed. For this reason, the informant raised his suspicion against the petitioner.

It is submitted that the deceased was not having clean antecedent as inasmuch as he was accused in the case of kidnapping of the two daughters of this petitioner. They are Parsa Bazar P.S. Case No. 106 of 2020 and Parsa Bazar P.S. Case No. 228 of 2020. It is further submitted that this petitioner had moved this Court in CrWJC No. 276 of 2020 and CrWJC No. 352 of 2020 whereafter his two daughters were recovered.

Learned senior counsel for the petitioner submits that from the FIR itself it is clear that the deceased was called by his three friends namely Pappu Kumar, Vicky Kumar and Sahil Kumar @ Bablu. In course of investigation, it has been revealed



that they had assembled at one place where on certain issues, a scuffle took place in which the brother of the informant was killed.

It is the specific case of the petitioner that till date, in the investigation no role of the petitioner has been found in the case of killing of the brother of the informant. The three friends of the deceased have been arrested.

It is further stated that the police had initiated action under Section 82 Cr.P.C. against the petitioner but the same has been stayed by this Court in Cr. Misc No. 16957 of 2023.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that suspicion has been raised against this petitioner in the FIR, however, from the case diary no material could be pointed out to this Court that anything has been collected against this petitioner.

Having regard to the facts and circumstances of the case, there being no material present in the case diary against the petitioner for the alleged killing of the brother of the informant and at this stage, the investigation is still open, this Court deems it just and proper to grant privilege of anticipatory bail to the petitioner subject to the condition that he will appear before the investigating officer within four weeks from today and shall



cooperate in course of investigation.

This Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Parsa Bazar P.S. Case No. 215 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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