

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12594 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- PUNAURA District- Sitamarhi

Bharat Kumar @ Bittu, S/O Kishori Sah @ Kishori Prasad, Resident Of Court
Bazar, Ward No. 11, Ps.- Sitamarhi Town, Dist.- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur- Advocate Ms. Vaishnavi Singh- Advocate Mr. Purushottam Kumar
For the State	:	Mr. Mohammed Arif- A.P.P.
For the Informant	:	Ms. Remy Kumari Mr. Jitendra Kumar Mr. Binay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 307 and 34 of the Indian Penal Code
and later on, Section 302 of the I.P.C. was also added.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that on 20.11.2023 at about 8.00 P.M. while he
was at home when petitioner along with other named accused
persons and four unknown accused came and took his son to



Punaura temple, but then, his son did not return till 10.30 P.M. thereafter, a search was made and during the course of search, his son was found lying behind the Punaura Dham Park in an unconscious state from where he was brought to Sadar Hospital, Sitamarhi and thereafter, he was referred to Patna for better treatment. It is next alleged that informant came to know that accused Kishlay Ayush had threatened his son to kill. Thus, alleges based on suspicion that the accused were also responsible in assaulting his son brutally. It is further submitted that the son of the informant died subsequently during the course of treatment.

4. The learned counsel for the petitioner submits that informant is not an eye witness to the occurrence. It is also submitted that from perusal of the allegation as alleged in F.I.R., it would manifest that it has been alleged that the deceased was having dispute with Kishlay Ayush, who had earlier threatened him. It is also submitted that petitioner is a person with clean antecedent and if Kishlay had any grievance with the deceased why the petitioner would have involved himself in the occurrence, when he had no grievance with the deceased. It is also submitted that the temple is a celebrated temple and in the event, if such an occurrence would have taken place, then



definitely some eye witness would have been there as devotees in large number come to the temple, but then, the learned counsel fairly submits that what is not disputed rather stands admitted is that the assault was brutal and the son of the informant died during the course of treatment. It is also submitted that it has been specifically pleaded at Para-8 that the petitioner since 2008 is staying in Delhi and occasionally comes to his home during the time of festival, as such, it does not appear probable that petitioner would have been involved in the occurrence of killing of the deceased.

5. The the learned counsel appearing on behalf of the informant as well as learned A.P.P. vehemently opposes the anticipatory bail application and submits that the informant has not alleged that he has seen the occurrence, but then, specifically alleges in the F.I.R. that Kishlay along with petitioner and other accused persons had come to the house and took his son for visiting the temple, as such, informant apprehends that petitioner might have been involved in the occurrence as the deceased was assaulted brutally and it is not possible for a single person to assault someone in such brutal manner. It is also submitted that investigation in the case is in its nascent stages and in the event, if the petitioner is granted the



privilege of anticipatory bail, he may abscond, on which the learned counsel appearing on behalf of the petitioner submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he was not involved in the occurrence.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P. S. Case No.260 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father namely, Kishori Sah @ Kishori Prasad.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that 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.

9. It is further made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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