

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16355 of 2024**

Arising Out of PS. Case No.-244 Year-2023 Thana- FORBESGANJ District- Araria

Santosh Chauhan @ Santosh Kumar Son of Mantri Chauhan Resident of vill.-  
Chauhan tola, Ward No. 02, P.S.-Forbesganj, Distt.-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ambrish Rahul

For the Opposite Party/s : Mr. Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      28-03-2024      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State along with learned counsel for the O.P. No.2.
2. The petitioner apprehends his arrest in a case  
registered for the offence punishable under Sections 363, 365  
and 302 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and has been falsely  
implicated in the instant case by the informant based on  
suspicion, when she is not an eyewitness to the occurrence. It is  
further submitted that the mother-in-law of the informant was  
having illicit relationship with one Pramukh Yadav, which was  
being objected by the husband of the informant i.e. the son was  
opposing the illicit relationship of his mother with Pramukh  
Yadav. It is further submitted that the informant in the F.I.R.



alleges that the mother of the deceased had called five accused persons including the petitioner for dinner and when they came, the mother-in-law of the informant forcefully got her son seated in a vehicle along with the accused persons and they took her son away by the car, later the dead body of the deceased was found. The learned counsel submits that it absolutely does not stand to reason that if the mother-in-law had any intention of getting her son abducted and killed then whether she would have allowed the informant to witness as to who were the accused who were invited in the house who committed the occurrence of abduction. It is further submitted that during the course of investigation, it has also come which stand recorded in the order impugned that an audio went viral wherein the mother-in-law of the deceased was heard speaking with Pawan Yadav, wherein she clearly said that the petitioner should not be involved in the occurrence nor anything be disclosed to him about the occurrence. The learned counsel thus submits that it absolutely defies all logic wisdom and reasonable criminal behaviour that the mother-in-law of the informant for getting the occurrence committed would have permitted the informant to witness as who were the accused persons, who came in her house for committing the occurrence and thus would have



created evidence against herself. It is next submitted that petitioner will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eyewitness to the occurrence and in the nature of allegation as alleged, it is difficult to comprehend that abduction of the deceased was committed in presence of the informant.

5. 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 trial court where the case is pending/successor court in connection with Forbesganj P.S. Case No.244/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself when required in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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