

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18962 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- ROSHANGANJ District- Gaya

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Saurabh Mishra @ Saurabh Kumar Mishra @ Saurabh Kumar S/o Sandeep
Mishra @ Sandeep Kumar Mishra R/o vill - Brahman Bigha, P.s. - Bankay
Bazar, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Raushanganj
(Bankey Bazar) P.S. Case No. 67 of 2023 registered for the
offences punishable under Sections 302, 363, 120(B), 34 of the
Indian Penal Code.

3. The prosecution case, in brief, is that the son of the
informant was found traceless since 03.03.2023 and his mobile
phone was also found switched off. On search, jeans, T-shirt,
jacket and a bottle of water of the informant was found in
agriculture field of wheat, which created doubt regarding any
untoward incident. Consequently, the informant gave a written
application before the P.S. concerned about the missing of his



son.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. He was not apprehended on the spot. There is no eye-witness of the alleged occurrence. His name has been transpired in the present case during course of investigation, on the basis of the confessional statement of the apprehended co-accused. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of case as well as the statement of the apprehended co-accused, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order



considering the fact that some of the co-accused have been
granted regular bail.

(Anjani Kumar Sharan, J)

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