

Arising Out of PS. Case No.-18 Year-2020 Thana- HARINMAR District- Munger

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Narsingh Tanti
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case and has been falsely implicated in the instant case during the course of investigation, when the petitioner is not named in the FIR. It is next submitted that the informant alleges that on 6-8-2020 at about 6.30 o'clock in the evening, her son Mantu Singh (deceased) had gone out of his house talking on mobile with Naresh Paswan and Dinesh Kumar Singh, but the victim did not return, thereafter, on the next day, a hectic search was made, but the victim could not be located. It is next alleged that at about 3 o'clock, the informant came to know that the dead body of her son lay concealed on the land of Dinesh



Singh under the soil, and there was sharp cutting deep injury on the left side of his head. The learned counsel submits that the name of the petitioner transpired during the course of investigation at Para 73 and 74, wherein statement of Ranjit Singh and Jitender Singh is recorded. It is next submitted that both Ranjit Singh and Jitender Singh are brothers of the deceased. The learned counsel for the petitioner submits that he has a copy of the case diary, and from perusal of Para 73 and 74 of the case diary, it would manifest that Ranjit Singh and Jitender Singh are also not eyewitness to the occurrence, but based on suspicions, have implicated the instant petitioner.

4. The learned APP opposes the anticipatory bail application, but after perusal of the case diary fairly submits that Jitender Singh and Ranjit Singh are not eyewitness to the occurrence, but then submits that the investigation is still progressing and in the event if anticipatory bail is granted to the petitioner, in that event he may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

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 trial court within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Harinmar P.S. Case No. 18 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. One of the bailers of the petitioner shall be his younger brother, Mukesh Kumar.

7. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court that the 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, learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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