

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25886 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Priyanshu Kumar @ Priyanshu Kunwar SON OF BARAJNANDAN
KUNWAR RESIDENT OF VILLAGE- KAITHMA, PS- MUFASSIL, DIST-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-05-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State, Mr. Rabindra Kumar along with

learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 302,

201, 120B and 34 of the Indian Penal Code read with Section

27 of the Arms Act.
3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and is a student

aged 18 years.
4. The informant alleges that on 19.02.2023 her

grandson had gone for coaching classes at about 06:50 PM



and when he was returning home, he was killed by the accused persons including the petitioner along with unknown accused and his body was thrown elsewhere with a view to dispose it of and his mobile was also continuously switched off, it is also alleged that accused persons are *agnates* and on account of dispute relating to land, the present occurrence has been committed.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant is not an eye witness to the occurrence, the entire allegation hinges around suspicion. It is further submitted that petitioner is *agnate* of the deceased and the family was having dispute relating to land, as such, it may be a probability that the informant took the same as an opportunity to implicate the petitioner in the instant case. It is further submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating the petitioner of the allegations. It is also submitted that based on the investigation by which the petitioner was exonerated of the allegation, the learned trial court differing with the same took cognizance in a mechanical manner, it is thus submitted that whether it



would be prudent for the Court to send the petitioner to judicial custody when one investigating agency, after threadbare investigation, has found him innocent. It is also submitted that petitioner is a young boy aged 18 years and in the event if he is sent to judicial custody in the nature of allegation as alleged, his entire career would get jeopardized and chances are bright that he may come in contact with hardened criminals which will further restrict his future prospects.

6. Learned A.P.P. for the State along with the learned counsel appearing on behalf of the informant 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 petitioner is *agnate* of the deceased, they were having dispute relating to land and the police after investigation submitted final form exonerating the petitioner of the allegation.

7. 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. 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 Mufassil P.S. Case No. 97 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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