

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33746 of 2024**

Arising Out of PS. Case No.-272 Year-2023 Thana- PARBATTI District- Khagaria

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1. Gaurav Kumar S/o Mahesh Das R/o vill - Bharson, P.S. - Pasraha, Distt. - Khagaria
  2. Jay Prakash Das S/o Kulo Das R/o vill - Satish Nagar, P.S. - Pasraha, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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

ORAL ORDER

3      11-09-2024                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that his younger brother Gulshan Kumar was sleeping in his room in the night of 16.06.2023 and at 05:00 a.m. in the morning when the informant went to the room of his brother, he saw that the door was locked from outside, thereafter, he opened the door and saw the dead body of his brother hanging by a plastic rope and one black



*gamchha* (towel) was wrapped on his face. It is further alleged that the deceased was in love with the sister of Gaurav Kumar (petitioner no. 1), thus, alleges that Gaurav Kumar and Jay Prakash Das (petitioner no. 2) along with Sanjay Das, Ajay Das, Umesh Ravidas, and Rajesh Kumar Das committed the murder of the brother of the informant by strangulating him and gave it a colour of suicide.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that the occurrence took place inside the house of the informant but then the FIR does not even remotely suggest that informant in the night even felt that someone had entered the house. It is next submitted that it might be a possibility that deceased committed suicide and the petitioners came to be implicated.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the order impugned, it would manifest that the inquest report records that the deceased was hanged after committing murder but then is not in a position to rebut the submissions of the



learned counsel appearing on behalf of the petitioners that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. Learned A.P.P. further submits that investigation of the case is in its nascent stages and if the privilege of anticipatory bail is granted to the petitioners, in that event, the petitioners may abscond on which learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parbatta P.S. Case No. 272 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners, despite giving assurance



to this Court, are not cooperating in the investigation or are not presenting themselves as and when required by the investigating officer, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

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

**(Satyavrat Verma, J)**

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