

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41296 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Ram Pukar Prasad Son of Late Faguni Bhagat Resident of Village - Karmbari,
P.S.- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-11-2024 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 Section 302, 120(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits petitioner is a person with clean antecedent and the informant (*Chaukidar*) alleges that on 09.06.2023 at 6:00 am, he received an information from local people that a dead body has been found in Karmobah village, accordingly he went to the place of occurrence and found the dead body of Sumitra Devi. It is next alleged that daughter of the deceased namely, Shalu Kumari disclosed that her mother on the previous night was cooking food on 9:00 pm when petitioner came to call her and she



accompanied him, thereafter her daughter went to sleep and when she woke up in the morning, she came to know that dead body of Sumitra Devi has been found in the mango orchard of the petitioner on a cot.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case based on suspicion. It is next submitted that it absolutely does not stand to reason that had the petitioner taken the deceased along with him then definitely he would not have committed the occurrence in his own orchard and thus would have created evidence against himself. It is further submitted that the daughter of the deceased has filed an application before the learned S.D.J.M. East, Muzaffarpur stating therein that after the death of her father her mother became mentally unstable. On 09.06.2023, she had gone to her aunt's house for attending a wedding when she received an information that her mother has committed suicide, as would manifest from Annexure-2 series. It is next submitted from perusal of the order impugned it would also manifest that the same records that no anti-mortem injury was found on the body of the deceased.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the statement



of the daughter of the deceased was recorded under Section 161 of the Cr.P.C. wherein she has supported the case of the prosecution on which the learned counsel appearing on behalf of the petitioner submits that if the statement of the victim is perused as recorded in the case diary it would manifest that the same if not verbatim is similar to what has been alleged in the FIR by the *Chaukidar*.

6. Learned counsel at the cost of repetition submits that had the petitioner been involved in the occurrence then definitely he would not have committed the occurrence in his own orchard. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

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 Siwaipatti P.S. Case No. 114 of 2023, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C..

8. However, if the Investigating Officer of the case filed an application before the learned trial court bringing to its notice that petitioner after giving assurance to this Court is not co-operating in the investigation, in the event learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in the event the present anticipatory bail order shall be cancelled.

10. Let a copy of this order be sent to the learned trial court for its onward communication to the concerned police station.

(Satyavrat Verma, J)

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