

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42147 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- BANKA District- Banka

Sagar Kumar Son Of Vijan Shah Village- Vijay Nagar, Ps- Banka, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2024 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 offence punishable under Sections 302, 201, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that on 01.04.2023 his son took Rs.200/- and went to watch a fair, next morning, he was informed that the dead body of his son was hanging from a tree near Banka Railway Station, thus, based on suspicion alleges that two months earlier, an altercation had taken place between his son and the petitioner along with other accused persons, thus, alleges that Manjay Kumar and petitioner along with other accused killed his son



and hanged his body on the tree. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the entire allegation hinges around suspicion. It is next submitted that it does not appear probable that for a dispute which had taken place two months back, the petitioner would have killed the son of the informant and thereafter hanged his body on a tree.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that what is not in dispute rather stands admitted is that the son of the informant has been killed and suspicion has been raised against the petitioner and the investigation of the case is in nascent stages, on which, the learned counsel appearing on behalf of the petitioner submits that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

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 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) 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 Banka P.S. Case No.202/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Further, one of the bailors of the petitioner shall be his father, namely, Vijan Shah.

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 bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner after recording reason.

8. Further, in the event if the charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall loose its effect.

9. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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