

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45505 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Tikari Mahot @ Rahul Kumar @ Tekari SON OF SANTOSH MAHTO
VILLAGE- NAINI, PS- MUFFASIL, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-06-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302, 120B, 201 of the IPC in connection with Muffasil
P.S. Case No.51 of 2024.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case.

4. It is next submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that the
informant alleges that her husband on 30.01.2024 at about 11:00



AM had gone out of the house, but did not return and also alleged that her husband along with Golu and three and 3-4 persons had eaten chicken and rice and thereafter never came back. Thus based on suspicion alleged that her husband might have been kidnapped.

5. The learned counsel submits that petitioner is not named in the FIR and from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges suspicion on Golu and unknown persons. It is also submitted that petitioner is a co-villager of the informant and if he along with Golu would have been present then definitely the informant would have named him also as petitioner is known to her. It is further submitted that name of the petitioner transpired in the case in the confessional statement of Golu. It is submitted that based on confessional statement of Golu that even petitioner participated in the occurrence, the petitioner is apprehending arrest. It is next submitted confession before police is not admissible in evidence.

6. The learned APP opposes the anticipatory bail application and submits that the name of the petitioner transpired in the confessional statement of Golu and the informant has specifically alleged in the FIR that her husband



had eaten chicken and rice with Golu and unknown persons. It is also submitted that if privilege of anticipatory bail is granted to the petitioner, in that event the petitioner may abscond.

7. The learned counsel for the petitioner at this stage submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

8. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chhapra in connection with Muffasil P.S. Case No.51 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. 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 its notice that petitioner is not cooperating in the investigation or is not appearing as and when required, in that event, the learned trial court shall be at liberty to cancel the anticipatory bail bonds of the petitioner after recording reason.



10. Let a copy of this order be sent to the concerned P.S. through the learned Trial court.
11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

