

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49353 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- ATHMALGOLA District- Patna

Mukesh Singh @ Mukesh Kumar SON OF RAMBALAK SINGH
VILLAGE- NIRPUR, PS- ATHMALGOLA, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-09-2024 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 offences punishable under Sections 363, 302 and 201 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that by order dated 08.08.2024 case diary was called for but the same till date has not been received.
4. The Court will not wait endlessly for the case diary and thus proceeds to decide the case on merits based on the allegation in the FIR.
5. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
6. The informant alleges that his son on 27.11.2023 at 06:00 p.m. took Rs.10/- from Ajay Rai for purchasing Tobacco but did not return home, hence, the informant went to the shop of Ajay to



enquire as his son worked in the shop of Ajay on which Ajay disclosed that his son went to purchase tobacco but did not return, accordingly, a search was made but his son was not found, hence, the instant FIR was instituted.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the FIR was instituted against unknown as such the informant did not even raise any suspicion against the petitioner at the time of instituting the instant FIR. It is next submitted that during course of investigation, the dead body of the son of the informant was found in the orchard of Subodh Singh in a decompose stage (para 22 of the case diary as recorded in the impugned order), thereafter the informant gave an additional information that his son was having enmity with Gautam thus suspected his involvement. Learned counsel submits that till the informant gave the name of Gautam suspecting his involvement in the occurrence till then the informant had not raised any suspicion against the petitioner. It is further submitted that the informant also during the course of investigation stated that on receiving the information about the dead body of his son when he went to the place of occurrence where his son's dead body was lying, he saw 6-7 persons trying to remove the body but by then the police had not arrived and the accused seeing the informant fled away from the place of occurrence. It is next submitted that till then also the



informant had not raised any suspicion against the petitioner but during the course of investigation later he alleges that deceased had enmity with the petitioner also, hence, he suspected the involvement of the petitioner, this is how the petitioner came to be implicated. Learned counsel for the petitioner, thus, submits that the manner in which the petitioner has been implicated in the instant case casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten Thousand) 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 Athmalgola P.S. Case No. 395 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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