

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46266 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- SARAIYA District- Muzaffarpur

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Amarjeet Kumar @ Jhunnu Singh Son Of Sri Naresh Singh Resident Of
Village- Gahilo, Ps- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv
		Ms. Vaishnavi Singh, Adv
		Mr. Ritwik Thakur, Adv
For the Opposite Party/s :		Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 28-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
OP No. 2.

2. The court completely fails to appreciate that as to
why the viscera report till date has not been sent to the court,
despite several order and last being 1-3-2024, which was
communicated to the learned District Judge, Muzaffarpur on 4-
3-2024. The court will not wait endlessly for the viscera report.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302, 328,
420 and 34 of the Indian Penal Code.

4. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely



implicated in the instant case by the informant with an allegation that the son of the informant, Dhananjay (deceased) executed sale deed dated 17-2-2023 in favour of the father of the petitioner but then the entire consideration amount was not paid and when Dhanajay went to the house of the petitioner for seeking his money, when he was offered tea, and Dhanajay, after having tea, came back to his house and complained uneasiness and also disclosed that he was offered tea at the house of the petitioner, thereafter he died during the course of treatment. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case for reasons best known to the informant. It is further submitted that the sale deed dated 17-2-2023 clearly records that the entire consideration amount of Rs.13,75,000/- was paid to the executor of the sale deed. It is next submitted that no sale is complete until and unless the entire amount is paid. It is further submitted that it absolutely does not stand to reason that as to why the petitioner would have poisoned the deceased by offering tea and then would have allowed him to go back to his house. It is next submitted that had the petitioner been involved in the occurrence in any manner then his effort would have been to conceal the fact that the deceased had come to his house and



definitely would not have allowed him to go back to his house, fearing that he may disclose that he was offered tea on account of which he was feeling unwell. It is further submitted that the petitioner will not abscond rather will cooperate in the investigation.

5. The learned APP along with the counsel appearing on behalf of the OP No. 2 opposes the anticipatory bail application of the petitioner but then are not in a position to rebut the submission of the learned counsel for the petitioner that a sale deed in absence of consideration cannot be executed and the sale deed was executed only after the deceased had received the entire consideration amount and if the petitioner would have been involved in the occurrence in any manner then he would not have allowed the deceased to go back to his house.

6. At this stage, learned counsel for the OP No. 2 submits that the petitioner has not approached this court with clean hands as in Para 3 of the anticipatory bail application, it has been specifically stated that the petitioner is a person with clean antecedent when he has antecedent of one case.

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 Saraiya (Jaitpur O.P) P.S. Case No. 177 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that the petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

9. Let a copy of this order be communicated to learned District Judge, Muzaffarpur.

(Satyavrat Verma, J)

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