

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49921 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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ARUN MANJHI @ ARUN KUMAR SON OF SANTOSH KUMAR @
SANTOSH MANJHI RESIDENT OF VILLAGE - DIIN DAYALPUR, P.S. -
G.B. NAGAR, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2024 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 offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the present case by the informant for reasons best
known. It is further submitted that from perusal of the allegation as
alleged in the FIR, it would manifest that the informant alleges
that the accused persons including the petitioner kidnapped his
minor son, aged about 14 years, from a fair and took him to
Hakbha Chimney and murdered him and thereafter, concealed his
body in water. It is next alleged that four days prior to the



occurrence, the accused persons had given threatening to the informant that during the time of fair, the family would be killed on account of previous dispute.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence. It is further submitted that the FIR does not even remotely suggest that the informant was informed by someone about the kidnapping of the son by the accused persons. It is next submitted that though the informant alleges that he was threatened by the accused persons four days back but then no case or information was given to the police or before the competent authority with regard to the threat. It is also submitted that no doubt, the son of the informant has been killed but then the petitioner has been implicated in the instant case based on suspicion. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

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

6. 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.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 G.B. Nagar P.S. Case No. 352 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and shall also take all coercive steps to ensure that petitioner is behind bar.

8. However, it is further made clear that if the charge-sheet is submitted connecting the petitioner with the offence in that event, the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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