

Arising Out of PS. Case No.-218 Year-2022 Thana- MAHARAJGANJ District- Siwan

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prashant Kumar
For the Opposite Party/s :	Dr. Ajeet Kumar
For the O.P. No. 2 :	Mr. Bijay Prakash Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for
the O.P. No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case under Section 379 of the IPC read with other sections. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the FIR was instituted against unknown with regard to killing of the son of the informant. It is next



submitted that in the FIR no suspicion was even raised against any persons including the petitioner. It is further submitted that the police recorded the statement of the informant under Section 161 Cr.P.C. on 16.07.2022 as would manifest from Para-4 of the case diary, but then the informant did not disclose the name of the petitioner even in his re-statement, It is next submitted that thereafter again the police recorded the statement of the informant on 25.08.2022 wherein he disclosed that he came to know about the involvement of the petitioner in the offence based on secret information. The learned counsel thus submits that it absolutely does not stand to reason that the FIR was against unknown, which amply demonstrates that the informant did not even had any inkling about the petitioner's involvement nor in his re-statement recorded on 16.07.2022 he disclosed about the petitioner's involvement but one and a half month after the occurrence based on secret information, it is being alleged that petitioner was also involved in the occurrence which casts an aspersion on the case of the prosecution. It is further submitted that the petitioner will not abscond rather will co-operate in the



investigation.

4. Learned A.P.P. for the State along with learned counsel for the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel for the petitioner submits that FIR is against unknown and the informant in his re-statement recorded on 16.07.2022 did not name the petitioner.

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 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 Maharajganj P.S. Case No. 218 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after giving an opportunity of hearing.

7. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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