

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55241 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- TURKI KHARARU District- Muzaffarpur

Pravesh Kumar Thakur @ Ram Pravesh Thakur, son of Late Nageshwer Thakur Mohalla- Gannipur Mishra Tola Ps- Kazimohammadpur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Kumar Suman

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-09-2024 1. The learned counsel appearing on behalf of the petitioner, at this stage, seeks permission to rectify the pleadings made at Para-6 of the anticipatory bail application as it has been submitted that inadvertently, it has been pleaded that petitioner is not named in the F.IR when he is named in the FIR.
2. Permission is accorded.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120(B), 201 and 34 of the Indian Penal Code.



5. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that on 28.02.2024 at about 2.00 P.M., his villagers informed that dead body of his son Anish Kumar is lying at *Khakhra* Dam. Accordingly, the informant went to the place of occurrence and saw the dead body of his son lying there. Thereafter, the FIR came to be instituted with an allegation that Ujjawal Kumar and his father (petitioner) used to threaten to kill the informant's son and they had also filed a false case against his son and thus, based on suspicion alleges that accused persons including the petitioner killed his son.

6. The learned counsel for the petitioner submits that from perusal of allegation as alleged in the FIR, it would manifest that the informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion that the accused persons including the petitioner might have been involved in the occurrence as they had threatened earlier to kill his son. It is further submitted that from perusal of the order impugned, it would manifest that the



post mortem report records that no external or internal injury on body of the deceased was found and the viscera was preserved. The learned counsel at the cost of repetition submits that the entire allegation hinges around suspicion. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. Learned A.P.P. opposes the anticipatory bail application.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, West, Muzaffarpur in connection with Turki P. S. Case No.04 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that in the



event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

11. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

12. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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