

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56017 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- DUMRAO District- Buxar

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Guddu Singh Son of Ramakant Mahto @ Rama Kant Singh Resident of
village - Khatiba, P.S.- Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 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 offence punishable under Sections 364, 302,
201, 120(B), 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his son went missing and later his dead body was
recovered. Further Guddu had called the wife of the deceased
and during the course of investigation, it transpired that Guddu
was having extra-marital relation with the wife of the deceased
and Guddu had taken the deceased on his motorcycle from
Dumraon crossing.
4. The learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. nor any suspicion was raised against him but he came to be implicated during the course of investigation with an allegation that he was having extra-marital relation with the wife of the deceased and that perhaps may be a reason for killing the deceased. It is also submitted that the deceased and the petitioner were known to each other, as such, petitioner was also known to the wife of the deceased and were on talking term, as such, it is submitted that merely because the petitioner talked to the wife of the deceased that in itself is not enough to ascertain the complicity of the petitioner in the occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the informant did not name the petitioner as an accused in the F.I.R. as he was not aware about the relationship of the petitioner with the wife of the deceased. It is also submitted that the name of the petitioner transpired during the course of investigation and the investigating is in its nascent stages and in the event if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or tamper with the evidence, on which, the learned counsel appearing on behalf of the petitioner submits that the petitioner presently has been implicated in the



case based on suspicion and the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

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.50,000/- (Rupees Fifty 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 Dumraon P.S. Case No.136/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Ramakant Mahto @ Rama Kant Singh.

8. 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 his notice that the 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 cancel the bail bond of the petitioner.

9. It is further made clear that in the event if charge



sheet submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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