

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58135 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- KHAJEKALA District- Patna

Mani Kumar @ Mani Chaudhary@Manni kumar Son of Ramnath Chaudhary
Resident of Mohalla- Beldartoli Loha Ke Pul, Mansha Ram Ka Akhara, P.S.-
Mehandiganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Chandra Bhushan Prasads

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 307, 506, 302, 120B & 34 of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case under section 307 of the Indian Penal Code read with other sections of the Indian Penal Code and Section 27 of the Arms Act and the informant alleges that on 02.01.2024, her husband asked her to prepare tea and went out when some villagers came running and disclosed that someone has shot her husband in the graveyard, accordingly, the



informant reached the graveyard and saw that her husband was struggling as multiple bullets were shot in his head and face and one Md. Chhotu was also lying beside him who was shot in his leg, later the husband of the informant died, on account of the gunshot injury, it is next alleged based on suspicion that three days prior to the occurrence her husband had disclosed that one Ajay Verma and his associates (including the petitioner) had threatened to kill him.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that informant is not an eyewitness to the occurrence nor the villager, who disclosed about the occurrence disclosed the name of any of the accused. It is also submitted that husband of the informant himself was a veteran criminal, as such, it might be a possibility that he was killed by someone else and based on suspicion the petitioner and other came to be implicated.

5. Learned A.P.P. Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that no doubt informant is not an eyewitness to the occurrence and the husband of the informant was killed and the F.I.R. has been instituted based on suspicion but then



investigation is in its nascent stage and in the event if the privilege of anticipatory bail is granted to the petitioner, in that event, the petitioner may abscond, on which, the learned counsel appearing on behalf of the petitioner submits that 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.25,000/- (Rupees Twenty Five 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 Khajekalan P.S. Case No.4/2024, 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, Ramnath Chaudhary.

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 if charge sheet is 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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