

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57038 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- ALAMNAGAR District- Madhepura

1. Santosh Kumar Patel son of Lakshman Patel @ Lakshman Mandal Village- Balsota Dhar (Balsora Dhar) P.S.- Alamnagar Dist- Madhepura
2. Bibhash Kumar @ Bittu Sah son of Prakash Sah Village- Baisa Tola Ps- Alamnagar Dist- Madhepura
3. Mahesh Mandal @ Mahesh Kumar son of Ramdeo Mandal Village- Harihar Basa (Hariha Basa) W.No-21, Ps- Alamnagar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-09-2024 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with respect to Petitioner Nos. 2 and 3 as they have been arrested.

2. Permission is accorded.

3. Accordingly, the anticipatory bail petition with respect to Petitioner Nos. 2 and 3 is dismissed as withdrawn.

4. Heard learned counsel for Petitioner No. 1 and learned A.P.P. for the State.

5. The Petitioner No. 1 apprehends his arrest in connection with Alamnagar P.S. Case No. 246 of 2023, instituted under Sections 364, 302, 201/34 of the Indian Penal



Code.

6. As per the prosecution case, Petitioner No. 1 along with other co-accused persons took the son of the informant with them from the house of informant forcibly and brutally assaulted him and demanded ransom. Later on, petitioner said that he released the son of the informant. Subsequently, beheaded dead body of the son of the informant was lying in a drainage situated near Harihar Tola.

7. Learned counsel for Petitioner No. 1 submits that Petitioner No. 1 is innocent and has falsely been implicated in this case. He submits that there is delay in filing the F.I.R. and due to ulterior motives, the informant has made allegation against the petitioner. Both are co-villagers and only on the basis of suspicion, the informant implicated petitioner no. 1. He has neither kidnapped nor murdered the son of the informant. Petitioner No. 1 has four criminal antecedents in which he is on bail.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of Petitioner No. 1 and submits that he has four criminal antecedents and there is direct allegation against him in kidnapping and murder of the son of informant.

9. Having heard the learned counsels for the parties



and considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to Petitioner No. 1. Accordingly, prayer for anticipatory bail of Petitioner No. 1 rejected.

(Sunil Dutta Mishra, J)

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