

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60240 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Hariharnath P.S. District- Saran

Nitin Kumar Son of Arvind Kumar Singh @ Arvind Singh Resident of Village
- Sonapur Lakri Bazar, Ward No.17, P.S. - Hariharnath, District -Saran at
Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Hariharnath Police Station Case No. 30 of 2024 for the
offence registered under Sections 302, 201, 120(B) and 34 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 05.04.2024 at 7:00 A.M., his Aunt (*chachi*)
called and informed that on 04.04.2024 Lala Kumar and took
Monu Kumar @ Nikhil Kumar (cousin brother of the informant)
from the house and when he did not return in the night, his uncle
went to the house of Lala Kumar to enquire, where he was
informed that Monu Kumar @ Nikhil Kumar, Lala Kumar along



with 4-5 unknown accused have gone to visit some place, further on 05.04.2024, the father of Monu Kymar @ Nikhil Kumar was informed by a villager that Monu Kumar @ Nikhil Kumar has been killed and his dead body is in the house of Arvind Singh (father of Lala Kumar). It is next alleges that even attempt was made to cremate the body by Lala Kumar, his brother, Nitin Kumar and Awadhesh Singh.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that his 'aunt' informed that Lala Kumar had come to her house on 04.04.2024 and had taken Monu Kumar @ Nikhil Kumar along with him. It is further submitted that no doubt that dead body of the deceased was found in the house of Lala Kumar but then the dead body was found in the out house. It is also submitted that from tenor of the allegation that alleged in the FIR, it would manifest that the villagers came to know about the killing of Monu Kumar @ Nikhil Kumar earlier than the informant and parents of Monu Kumar @ Nikhil which amply demonstrate that someone in the village was informed that dead body of the deceased was lying in the out house of Arvind Kumar. It is next submitted that the dead body of the deceased was found in the out house of the



petitioner and as such, the petitioner and his family members were not aware that occurrence of the nature as alleged had taken place in their house. It is also submitted that no doubt Lala Kumar had come with Monu Kumar @ Nikhil Kumar on 04.04.2024 but then after informing that they were going out, they left, as such the petitioner and his family members thought that Lala Kumar along with deceased and others have gone out somewhere.

5. It is next submitted that father of Monu Kumar @ Nikhil Kumar in the night on 04.04.2024 had come to the house of the petitioner but since Lala Kumar and deceased had informed that they were going out as such, the said information was passed to the father of the deceased also. It is further submitted that even the petitioner and his family members were not aware that occurrence of the nature as alleged had taken place in their out house and the moment they came to know about the occurrence, they informed the police and the villagers also as such, one villager informed the father of the deceased that the dead body of a son was lying in the house of Arvind Singh. It is submitted that no effort was made by the petitioner or his family members to conceal the evidence.

6. Learned counsel appearing on behalf of the



petitioner submits that the petitioner came to be implicated in the instant case being brother of Lala Kumar based on suspicion. It is also submitted that it was the petitioner, who had informed the police by dialing 112 in the morning of 05.04.2024 as it has been specifically pleaded at paragraph-6 of the anticipatory bail application. It is also submitted that no doubt the dead body of the cousin brother of the informant was found in the out house of the petitioner but then whether the petitioner was involved in the occurrence or not is an aspect of investigation or the Court would reject the anticipatory bail application of the petitioner merely on the ground that he is the brother of Lala Kumar when in the FIR, the informant does not even remotely suggest that the petitioner had also accompanied Lala Kumar when he had come to call the deceased. It is lastly submitted that the petitioner will not abscond and will co-operate in the investigation to prove his innocence that he was not involved in the occurrence.

7. Learned APP appearing on behalf of the State opposes the prayer for bail.

8. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioner, in the event of arrest or surrender within a period of four weeks



from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Hariharnath P.S. Case No. 30 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C., subject to further condition that one of the bailor shall be his cousin brother, Atul Kumar

9. However, it is made clear that Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event, the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner. 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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