

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60671 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- ATHMALGOLA District- Patna

Dr. Manoj Kumar Son Of Jai Krishna Ray Resident Of Village Athmalgola
Bazar, P.S- Athmalgola, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 28-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the OP No. 2.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 328, 120B and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the informant based on suspicion who alleges that he came to know that the dead body of his brother was lying at the place of occurrence and when he went to the place of occurrence, he saw the dead body of his brother and thereafter alleges based on suspicion that the petitioner might have poisoned him as they were having dispute with respect to property from before. The



learned counsel submits that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

4. Learned A.P.P. for the State along with learned counsel for the OP No. 2 opposes the anticipatory bail application of the petitioner, however, are not able to rebut the submission of the learned counsel for the petitioner that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion.

5. 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Athmalgola P.S. Case No. 139 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

7. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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