

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60975 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- BAISI District- Purnia

Babul Son Of Siddique Vill.- Mubaiya, P.S. Baisi, Dist.- Purnia

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazher Alam

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 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 341, 323, 324, 307, 379, 34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and informant alleges that on 20.12.2023 in the evening at about 5.00 P.M. her husband received a call on which he left the house, next alleges that when her husband did not return till late in the night, accordingly the informant called on his mobile which was switched off, thereafter a hectic search was made and the husband of the informant was found in an injured unconscious state near a primary school behind an orchard, thereafter he was taken for treatment where he



disclosed that one Md. Haider had called him and along with six other unknown accused snatched his belongings on point of pistol, apart from other things as detailed in the F.I.R.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner is not known to the informant and his name transpired in the confessional statement of Md. Haider. It is also submitted that deceased had affair with the sister of Haider and was caught at home and thereafter he was assaulted.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though the name of petitioner has transpired in the confessional statement of Haider but then the husband of the informant had disclosed to the informant that he was called by Haider and his belonging was snatched by him and six unknown accused on point of pistol.

6. Learned counsel appearing on behalf of the petitioner submits that even presuming what has been alleged in the F.I.R. is true without admitting then the husband of the informant did not disclose to the informant that Haider and unknown accused assaulted him, which amply demonstrates that the occurrence took place in some other manner and the petitioner came to be implicated. It is next submitted that petitioner will not abscond



rather will participate in the investigation to prove his innocence.

7. 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.10,000/- (Rupees Ten 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 Baisi P.S. Case No.498/2023(5118071230498), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 its 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 bonds of the petitioner.

(Satyavrat Verma, J)

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