

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62733 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- BAHADURPUR District- Darbhanga

Abhishek Saurav @ Gugul, Son of Dr. Anil Kumar @ Dr. Anil Kumar Roy @
Anil Kumar Resident of Mohalla- Bengalitola, P.S.- Laherriasarai, District-
Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Shama Sinha
For the Opposite Party/s :	Mr. Md. Ataur Rahman
	Mr. Gauri Shankar Yadav
	Mr. Ajit Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-10-2024 1. Heard learned counsel for the petitioner, the

learned counsel appearing on behalf of the informant and

learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 364/ 34 of the Indian Penal Code and later on,

Sections 302 and 201/34 of the I.P.C. was also added.

3. The learned counsel for the petitioner submits

that the petitioner is a person with clean antecedent and the

informant alleges that he along with his wife and two sons

live in a rented premises of one Manoj Kumar. Further,

02.05.2024 at 8.00 P.M. his son had gone to attend birthday



party of his friend Sumit Ranjan and at 11.00 P.M. informant called his son Bablu, who disclosed that he will stay in the night in the house of Sumit and will come in the morning, but in the morning when he called the mobile of his son and Sumit, the same was switched off. Accordingly, he went to the house of Sumit and inquired from his mother and sister, who disclosed that they went out, but they are not aware where they went. Thereafter, Golu called from his mobile on the residential mobile number of the informant and disclosed that his son along with Sumit, Abhishek Saurav (petitioner), Shivam, Ankit and Gopu were together and thus, alleges that his son has been killed by Sumit and his friends including mother and sister also.

4. The 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 a criminal and is a student and is preparing for NEET and aspires to become a doctor. It is next submitted that the name of the petitioner transpired in the confessional statement of Sumit. It is further submitted that Sumit was arrested and he confessed before the police that Bablu



(deceased) used to carry pistol with himself and both were school friends. Further, all friends including the petitioner celebrated his birthday at Rai Sahab Dam and they drank. Further, Shivam took pistol of Bablu and started fiddling when Bablu tried to snatch the pistol, it accidentally fired and Bablu received firearm injury on head and died. The learned counsel appearing on behalf of the petitioner submits that confessional statement made by the accused in police custody does not have any evidentiary value, but then, submits that even if it is presumed for the moment without admitting that what Sumit disclosed in his statement recorded under Section 161 Cr.P.C. is true, in that event, it would manifest that petitioner was not involved in the occurrence rather the pistol fired accidentally, which was being fiddled by Shivam. It is further submitted that Sumit in his confession has stated that the deceased used to carry pistol with him and it was his pistol which accidentally fired. It is also submitted that investigation of the case is still going on and in the event, if petitioner is sent to jail, in that event, his entire career would be jeopardized and chances are bright that he may come in



contact with hardened criminals, but then, submits that if privilege of anticipatory bail application is granted to the petitioner, in that event, petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is also submitted that in the nature of disclosure made by Sumit, the case would not fall within the ambit of Section 364 and 302 of the I.P.C. even if found true.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel for the informant submits that mark of injuries were also found on the body of the deceased and his dead body was recovered after three days, as such, it is submitted that if petitioner and his friends were not involved in the occurrence, then they ought to have disclosed about the occurrence at the earliest, on which the learned counsel appearing on behalf of the petitioner submit that when such occurrence takes place, the normal reaction of a human being is to save himself first.

6. Be that as it may, 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Darbhanga in connection with Bahadurpur P. S. Case No.174 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father namely, Dr. Anil Kumar @ Dr. Anil Kumar Roy @ Anil Kumar.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear, if the learned trial Court comes to a conclusion after the charge is framed that the petitioner after his release is trying to delay the trial in any



manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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