

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67936 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SRINAGAR District- West Champaran

Ritesh Kumar @ Mistri S/O Sri Asharfi Mahto Resident of village- Kohada,
P.S- Srinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s :	Mr. Shahabuddin Azeem @ S. Azeem
For the Informant :	Mr. Sanjeev Kumar
	Md. Dilshad Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-12-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a differently abled person. It is next submitted that the informant alleges that on 28.04.2024, Asharfi Mahto came to his house and took his daughter to Lakshya coaching on pretext of some work and said that she would return in an hour, it is next alleged that the said Lakshya coaching is run by the petitioner and when the daughter



of the informant did not return for some times, thereafter a search was made and when informant reached the said coaching, he saw named accused persons including the petitioner fleeing from the spot, accordingly, the informant entered the place of occurrence where dead body of his daughter was found.

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 and the deceased were in love, but their relationship was being objected by the parents of the deceased. It is also submitted that marriage of the deceased was fixed by her father with someone else, as such, the petitioner was even contemplating to get married with some other woman. It is further submitted that it does not appear probable that if petitioner and other accused persons had any intention of committing murder of the deceased, in that event they would have asked Asharfi to go to the house of the informant for calling the deceased to the coaching for committing the occurrence. It is submitted that had the petitioner or the other accused persons had any intention of committing the occurrence in that event they would not have committed the occurrence in the coaching as they were aware that informant was knowing where his daughter had gone. It is



further submitted that it absolutely does not stand to reason that petitioner along with others would have committed the occurrence in the coaching and thus would have created evidence against himself and others.

5. It is submitted that the deceased committed suicide as she was not ready for getting married to some other person and was even disturbed that petitioner's marriage was also fixed as such she reached the coaching and committed suicide. It is next submitted that the postmortem report also records asphyxia on account of hanging.

6. Learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that the dead body of the deceased was found in the coaching of the petitioner and the informant had seen the petitioner along with others fleeing from the place of occurrence, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that if petitioner and other accused had any intention of committing the occurrence then why they would have committed the occurrence in their own coaching and thus would have created evidence against themselves. The learned counsel further submits that if privilege of anticipatory bail is granted to the petitioner, in that event the



petitioner may abscond or tamper with the evidence, on which the learned counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. At this stage, the learned counsel appearing on behalf of the informant submits that process under Section 82 Cr.P.C. has been issued.

8. The learned counsel for the petitioner submits that the FIR was instituted on 29.04.2024 and when the petitioner came to know about his involvement in the occurrence accordingly, he filed ABP No. 1551 of 2024 on 26.06.2024 while the ABP was pending considering, when process under Section 82 Cr.P.C. was issued on 23.08.2024 and thereafter the ABP was dismissed by an order dated 30.08.2024, it is thus submitted that petitioner was availing his remedies available in law when police in a hurry applied for process under Section 82 Cr.P.C. which in a mechanical manner was also issued by the learned Magistrate, when the law is clear that process under Section 82 Cr.P.C. is not to be issued for mere asking and not to help the police in investigation, but for appearance of the accused before the Court.

9. 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 trial court 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 Srinagar P.S. Case No. 62 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. 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 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 forthwith cancel the bail bonds of the petitioner.

11. 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 lose its effect.

(Satyavrat Verma, J)

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