

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73520 of 2023

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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ABHAY KUMAR MISHRA @ ABHAY KUMAR SON OF PRAMOD
KUMAR MISHRA RESIDENT OF PURANI GUDARI UTRWARI
POKHRA, WARD NO.09, P.S. - BETTIAH TOWN AND DISTRICT -
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Mohan

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Bettiah Town Police Station Case No. 498 of 2020,
dated 19.08.2020, disclosing offences under Sections
364/365/386/302/201/120-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that on 18.08.2020, the informant, alongwith her son,
was going towards station chowk through Kamalnath
Nagar and when they reached near Hero Service Centre,
all the FIR named accused persons, alongwith 5-6
unknown persons, surrounded them, assaulted the



informant and kidnapped her son. On 19.08.2020, the dead body of the son of the informant was found.

4. Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and his name has transpired during the course of investigation on the basis of confessional statement made by the co-accused Ratnesh Mishra. Learned counsel next submits that co-accused Ratnesh Mishra is at inimical terms with the petitioner, as such, the petitioner has falsely been implicated on the basis of confessional statement. He further submits that trial of arrested accused persons has begun, but none of the prosecution witnesses have disclosed the name of the petitioner.
5. On the other hand, learned counsel for the State, referring to the case diary, submits that the co-accused Ratnesh Mishra and Krishna Kumar in their confessional statement have disclosed the name of the petitioner and his involvement in the murder of the informant's son. He next submits that the investigation is still pending against the petitioner and the petitioner has got criminal antecedent.
6. Regards being had to the submissions made on behalf of



the parties and taking into consideration the fact that during the course of investigation the name of the petitioner has transpired on the basis of confessional statement of the co-accused and investigation against the petitioner is still going on, accordingly, taking into consideration the gravity of offence and nature of allegation I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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