

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77051 of 2023

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

Umesh Ray, S/O Kishan Ray Village- Bahadurpur Tola, Rupas, Ps.
Athmalgola, Dist. Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-04-2024 1. Heard learned counsel for the petitioner 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
Sections 302, 328, 120(B) and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant 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
petitioner along with Dr. Manoj Kumar might have poisoned
him as they were having dispute with respect to property from



before.

4. The learned counsel for the petitioner submits that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that this petitioner had purchased a piece of land from the cousin brother of the informant. It is further submitted that the informant intended to purchase the said land from his cousin brother, but since his cousin brother sold the land in favour of the petitioner, as such, the informant took the same as an opportunity to implicate the petitioner based on suspicion. It is next submitted that the F.I.R. even came to be instituted after a delay of one day. It is next submitted that it absolutely does not stand to reason that as to why the informant did not rush the deceased to the hospital from the place of occurrence rather brought him to his house where a doctor was called, who declared him dead, which cast an aspersion on the conduct of the informant.

5. Learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application, but then, is not in a position to rebut the submission of the learned counsel for the petitioner that informant is not an eye witness and the entire allegation hinges around suspicion. The learned A.P.P. submits that the



case is in nascent phases of its investigation and in the event, if petitioner is granted the privilege of anticipatory bail, he might abscond.

6. The learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation. It is also submitted that similarly situated co-accused Dr. Manoj Kumar has been granted the privilege of anticipatory bail by an order dated 28.02.2024 in Cr. Misc. No.60671 of 2023

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Barh, Patna in connection with Athmalgola P. S. Case No.139 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. 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.

10. 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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