

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83341 of 2023

Arising Out of PS. Case No.-497 Year-2018 Thana- HILSA District- Nalanda

RAHUL KUMAR @ THREE STAR Son of Amira Prasad @ Amira Thathera
@ Amirak Prasad Resident of Mohalla - Sharma Lodge, Bihari Road Hilsa,
Police Station - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 24-07-2024 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 Section 379 of the Indian Penal
Code.
3. Mr. Chandra Bhushan Prasad learned A.P.P. submits
that in compliance of the order dated 25.06.2024, a counter affidavit
has been filed duly sworn by the Superintendent of Police, Nalanda.
Learned A.P.P. fairly submits that the investigating officer of the case
has been put under suspension for dereliction of duty as he
mechanically implicated the instant petitioner in the case when the
accused is Rahul Kumar @ Three Star, son of Anil Prasad, Resident
of Malkhana Yogipur, P.S. Hilsa, District Nalanda. Learned A.P.P.
submits that since name of the instant petitioner is identical to the
name of the accused of Hilsa P.S. Case No. 41 of 2019 as such the



investigating officer of the case without verifying the parentage and address implicated the instant petitioner in the present FIR.

4. Learned counsel for the petitioner submits that it was only when this Court directed the Superintendent of Police, Nalanda to file counter affidavit then the present fact came to the fore that petitioner has been mechanically and falsely implicated in the instant case but then submits that even the learned trial court has taken cognizance of the offence on which learned A.P.P. fairly submits that if petitioner files an application seeking quashing of the order of cognizance, the present fact would be brought to the notice of the learned court.

5. Considering the submissions made by the learned counsel for the petitioner, let 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 personal bail bond to the satisfaction of the learned court below where the case is pending/successor court in connection with Hilsa P.S. Case No. 497 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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