

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15734 of 2025

Arising Out of PS. Case No.-210 Year-2024 Thana- BUNIYAD GANJ District- Gaya

1. Raushan Kumar S/O Sanjay Prajapat @ Sanjay Kumar R/O Village-Nauranga, P.S- Muffasil, Distt.- Gaya.
2. Rahul Kumar @ Karu S/O Sanjay Prajapat @ Sanjay Kumar R/O Village-Nauranga, P.S- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv
For the Opposite Party/s : Mr. Rabindra Kumar, APP
Mr. Sanjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-05-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State, Shri Rabindra Kumar and the learned counsel appearing on behalf of the informant.
2. Learned counsel for the petitioner, after some argument, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2, Rahul Kumar @ Karu.
3. Permission is accorded.
4. Accordingly, the instant anticipatory bail application is dismissed as withdrawn with respect to Petitioner No. 2.
5. The petitioner (Raushan Kumar) apprehends his arrest in a case registered for the offences punishable under Sections



103(1) and 3(5) of the Bharatiya Nyaya Sanhita.

6. Learned counsel for the petitioner submits that petitioner No. 1, Raushan Kumar, has antecedent of two cases and is son of Sanjay Prajapat @ Sanjay Kumar. It is next submitted that the informant alleges that his sister was staying with him and had even given the property of Nauranga, further in his absence, he received an information that accused persons including the petitioner killed his sister by slitting her neck by *husuli*.

7. Learned counsel for the petitioner submits that informant is not an eyewitness to the occurrence. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that entire allegation hinges around suspicion. It is further submitted that informant does not disclose that on what basis, he came to know about the involvement of the petitioner in the occurrence. It is also submitted that during the course of investigation, CDR (Call Detail Record) was investigated in which name of Rahul, Raushan and Manish transpired, further based on the investigation of CDR, it was found that the mobile location of Rahul was at Nanokh, i.e., the place of occurrence, and he was talking to Raushan on his mobile number, i.e., 6203187***,



further Rahul also had a talk with Manish. It is further submitted that Raushan with whom Rahul had a talk, is in custody and the present petitioner is not the same Raushan with whom Rahul had talked.

8. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. Learned counsel appearing on behalf of the informant submits that Raushan is son of own brother of the husband of the deceased and are having dispute relating to property, as such the occurrence was committed, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Raushan with whom Rahul had a talk, is in custody and is a different person.

9. Learned counsel for the petitioner, at this stage, submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner No. 1, Raushan Kumar, 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. 20,000/- (Rupees Twenty 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 Buniyadganj P.S. Case No. 210 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

11. One of the bailors of the petitioner shall be his father, Sanjay Prajapat @ Sanjay Kumar.

12. 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 the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

13. 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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