

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42046 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Hamid S/o Md. Aftab Alam R/o Village- Chakmehsi, P.S.- Chakmehsi,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Dubey

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-07-2025 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 Sections 103(2) and
190 of the BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his son on 26.08.2024 left home saying that he is
going to Barheta at 1.30 P.M., further the wife of the informant
received a call at 8.43 P.M. from mobile no.8797070016 and the
caller, a girl, informed that her son had gone to withdraw money
from Kalyanpur ATM, the caller further disclosed that her
maternal grand parents have died and her parents have gone
there and thus had asked her to come there, further the next day,



in the morning, the wife of the informant called on the said mobile number from which she had received the call, when she was told to pray to God, later his wife was informed that dead body of her son is lying near a pond next to Barheta High School, accordingly, the informant reached the place of occurrence and found the dead body of the deceased, next alleges that his son worked at poultry farm of Ravi and some unknown accused abducted his son and Krishna but he is not aware where Krishna is, thus alleges that Krishna might be involved in the occurrence also prayed to investigation mobile no.8797070016.

4. The learned counsel for the petitioner submits that petitioner is not named in the FIR, his name transpired during the course of investigation in confessional statement of Abhinav in police custody, which does not have any evidentiary value. It is also submitted that Mobile No.8797070016 was investigated and it was found that the same belongs to Sita Chaudhary and the mobile was being used by his daughter Nitu, who is friend of Kajal, further, Kajal and deceased were known to each other and Kajal had given her mobile to the deceased, who had gone to the market but did not return, as such, in order to talk to the mother of the deceased, she took the aforesaid mobile from Nitu



and called her and informed that deceased was going to stay with her. It is next submitted that during the course of investigation Abhinav was arrested, who disclosed that nephew of Ahmad was killed by Prabhat, Ravi, Gulshan, Shivam and others in 2021 and his uncle Amresh Kumar was also assaulted by the same accused persons who had killed nephew of Ahmad, for which, Kalyanpur P.S. Case No.107/2021 was registered, as such, Ahmad was harboring grudge against Prabhat, Ravi and others and since deceased was working with Ravi as such he was assaulted and thereafter left near Barheta High School. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five 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



Kalyanpur P.S. Case No.215/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Md. Aftab Alam.

8. 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 co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. 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 loose its effect.

(Satyavrat Verma, J)

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