

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64768 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- SURSAND District- Sitamarhi

Dinesh Sah Son of Late Sonafi Sah Resident of Village - Maruki, Ward No.2,
P.S. - Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the Informant	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sursand P.S Case No. 451 of 2023 instituted for the offence punishable under Sections 302, 363, 201, 120B/34 of the Indian Penal Code.

3. As per prosecution case, petitioner along with other co-accused took the son of the informant near a bridge in village for the purpose of walking, but his son did not return back till late night. On query, the accused persons told the informant that his son had gone to his relatives. On search, the son of the informant was not traced out. The informant has claimed that



the accused persons have committed murder of his son.

4. Learned counsel for the petitioner submits that petitioner has got no criminal antecedent. Petitioner is innocent and have falsely been implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and also submitted that the investigation could be affected, if the petitioner would be granted privilege of anticipatory bail. It is also submitted that interrogation of the petitioner in police custody is also required.

6. From perusal of FIR, impugned order and case diary it appears that petitioner is named in F.I.R. From para 29 of the supplementary case diary no. 2 it appears that after conclusion of the investigation allegation against the present petitioner found true, accordingly, final form submitted as not sent up but after submission of the final report no. 805 of 2023 learned Magistrate defer the opinion from the Investigating Officer rejected final form and took cognizance and issue process against the present petitioner but present petitioner is not appeared before the learned Magistrate and learned Magistrate also issued the process of 82 Cr.P.C and 83 Cr.P.C. It



further appears that petitioner is absconding from appearance from the learned Magistrate. So, considering the facts and circumstances of the case, materials available on record and submissions of learned counsel for the parties, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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