

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70567 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- KOTWA District- East Champaran

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Akhilesh Singh @ Akhilesh Kr Singh Son of Harindra Singh Resident of
village- Kotwa Nat Toli, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

Mr. Hemant Ray

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-02-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302, 201
and 34 of the IPC in connection with Kotwa P.S. Case No.22 of
2024.

3. The learned counsel for the petitioner submit that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant based on
suspicion. It is also submitted that informant deliberately has
concealed a relevant fact that his daughter was staying with the
petitioner at Delhi since November 2023 as has been
specifically pleaded at Para-9 of the anticipatory bail



application. It is next submitted that husband of the victim on 20.01.2024 had given an information to the S.H.O., New Ashok Nagar P.S., New Delhi, stating therein that his wife was staying with him and she is missing since 18.01.2020. It is next submitted that the said information was registered as *Sanha* on 25.01.2024 by the New Ashok Nagar P.S. It is also submitted that petitioner was married to the victim in the year 2013 and out of the wedlock two children were born, but then in between 2013 till the date of instituting the instant FIR, no case came to be instituted against the petitioner and his family members. It is further submitted that no doubt the FIR has been instituted under Section 302 of the IPC read with other sections, but then the dead body of the deceased till date has not been recovered. It is also submitted that deceased was in love with Sunil Singh, her brother-in-law i.e. husband of the sister of the alleged deceased and she had gone to the house of Sunil Singh earlier to stay with him, but after family pressure, she came back.

4. It is also submitted that the family members of the petitioner had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 36526 of 2024 (Chinta Devi & Ors. The State of Bihar) and the same was allowed by an order dated 24.06.2024.



5. The learned APP for the State opposes the anticipatory bail application and submits that the yardstick for considering the anticipatory bail application of the petitioner is different from his family members and also submits that in the event if privilege of anticipatory bail is granted to the petitioner, he may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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 Trial Court within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 10th, Motihari, East Champaran in connection with Kotwa P.S. Case No. 22 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 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.

8. 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 lose its effect.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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