

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73707 of 2025

Arising Out of PS. Case No.-13 Year-2001 Thana- KATHAIYA District- Muzaffarpur

Umesh @ Umesh Rai @ Umesh Ray S/o Kapil Rai @ Kapildev Rai R/o
Village- Sadhanpura @ Saghanpura, Police Station- Kathaiya, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-11-2025 1. Heard learned counsel for the petitioner and
learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 395 of the
Indian Penal Code.
3. The Investigating Officer of the case, in
compliance of the order dated 17.11.2025, is present in the
Court.
4. The learned counsel appearing on behalf of the
petitioner submits that case is of the Year 2001 and the
petitioner is a person with clean antecedent and the FIR was
instituted under Section 395 I.P.C. and name of the petitioner
transpired in the statement of a witness who disclosed that



petitioner was seen with a co-accused, it is also submitted that petitioner is not a criminal. It is next submitted that had the petitioner been a criminal or his bent of mind would have been like a criminal, in that event, in these 24 years the petitioner would have been implicated in several cases, but then that is not the case. It is also submitted that petitioner is suffering from cancer and had to undergo a surgery on 25.02.2023. It is next submitted that presently the petitioner has some relief from cancer, but then, he has to live a very regimented life. It is next submitted that based on document, the case of the petitioner before the learned District Court was also argued that he was suffering from cancer. It is also submitted that police, in these 24 years, never made any endeavours to arrest the petitioner, but then all of a sudden process under Section 82 Cr.P.C. was issued when the police started knocking the doors. It is also asserted and submitted that petitioner was completely unaware of his implication in the instant case.

5. The Investigating Officer of the case, who is present in the Court, submits that he had personally gone to the house of the petitioner for making an inquiry and his wife disclosed that petitioner is suffering from cancer and gets treated at Varanasi. The Investigating Officer also submits that he has



joined recently in September, 2025.

6. The learned APP for the State submits that in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner 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.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Kathaiya P.S. Case No. 13 of 2001 subject to the conditions as laid down under Section 482 (2) of BNSS.

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 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. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. **Accordingly, the instant anticipatory bail application stands allowed.**

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

