

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80246 of 2024

Arising Out of PS. Case No.-90 Year-2009 Thana- SARMERA District- Nalanda

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Anil Prasad S/O Kishori Mahto R/O vill. - Kurmichak, P.S - Samyagarh,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kr. Pandey, Advocate
		Ms. Kumari Pallavi, Advocate
For the Opposite Party/s :		Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Sarmera P.S. Case no.90 of 2009 registered under sections
302, 364, 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states
that her husband was kidnapped by the F.I.R named accused
persons with an intention to kill him under a conspiracy.

4. Learned counsel for the petitioner submits that the
name of the petitioner appears at the very end of the F.I.R that
he was also involved in the occurrence. It has also been
submitted that the present petitioner has been made an accused
only for the reason that he happens to be the brother of co-



accused Sunil Prasad against whom there are allegations made by the informant. After thorough investigation, no substantial material was found against the petitioner and hence, not finding his complicity in the occurrence, he was not sent up in the case while charge-sheet has been submitted in the case against Asha Devi and Sujit Prasad @ Sunil Kumar. Learned counsel for the petitioner further submits that subsequently, cognizance has been taken against all accused persons including this petitioner, however, the petitioner was never served with any summon or warrants and hence, he had no knowledge that cognizance has also been taken against him. As soon as, the petitioner became aware of the same, he approached this Court for the grant of anticipatory bail. The petitioner undertakes to cooperate in the case/trial by making regular appearance.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the fact that final form had been submitted in favour of the petitioner after investigation and also considering the limited allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, in connection with



Sarmera P.S. Case no.90 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Nalanda at Biharsharif, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that petitioner would appear on each and every date fixed in the learned trial Court and in case of non-appearance on two consecutive dates without any substantial reason, the learned Court below would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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