

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90040 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- KASMA District- Aurangabad

Arvind Sao Son of Chhotan Saw Resident of Village- Simla, P.S.- Kasma,
District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kasma P.S. Case No. 177 of 2023, registered on 17.10.2023 for the offences under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, the dead body of the son of the informant was found in the newly built house of the informant. The informant named the petitioner and co-accused persons for being involved in the occurrence due to old enmity.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From bare perusal of the FIR, it is evident that the dead body of the son of the informant was recovered from his own



house which was locked from inside and the informant was forced to use ladder for going up to the roof and thereafter, the door would be opened. The allegation against the petitioner is that of strangulating the son of the informant but the postmortem report negates the prosecution version as the death was caused due to asphyxia as a result of ante-mortem hanging. Learned counsel further submits that the petitioner is having clean antecedent and except for suspicion no tangible material has come up against to the petitioner to show his involvement. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 31.07.2024 passed in Criminal Misc. No. 32551 of 2024.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and lack of substantive material to connect the petitioner with the offence as alleged and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand Only) with two sureties of the like
amount each to the satisfaction of learned Chief Judicial
Magistrate, Aurangabad/concerned court in connection with
Kasma P.S. Case No. 177 of 2023, subject to the condition laid
down under Section 438(2) of the Code of Criminal Procedure
and other following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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