

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66624 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- BARIYARPUR District- Munger

SONU KUMAR, Aged 22 years, Male, Son of Sanjay Sahni @ Sanjay Mandal, Resident of Village/Mohalla Shajana, P.S. Gogri, District Khagaria. At present resident of Village/ Muhalla Pariya Bariarpur, P.S. Bariarpur, District Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-10-2019 Heard both sides.

The petitioner apprehends his arrest in Bariarpur P.S. Case No.36 of 2018, registered under Sections 302, 120B and 34 of the Indian Penal Code and 27 of the Arms Act.

The informant alleged that while she along with her husband was going to her Naihar on an auto-rickshaw, the petitioner, Sonu Kumar and two others, Roshan Kumar and Ritesh Kumar, got the auto-rickshaw stopped and all the three dragged her husband out from the auto-rickshaw at the point of firearms. Roshan Kumar and Ritesh Kumar fired which hit on the head and abdomen of her husband.

Learned counsel for the petitioner submits that there is no allegation of firing against the petitioner. The police after investigation found the accusation against the petitioner false and



submitted final form but the learned A.C.J.M. took cognizance on the basis of the material available in the case diary. It is submitted that petitioner is not the assailant of the deceased and thus the petitioner deserves anticipatory bail. It is further submitted that Roshan Kumar and Ritesh Kumar were put on trial and were acquitted.

It appears from the contents of the FIR itself that the petitioner along with two other accused persons, namely, Roshan Kumar and Ritesh Kumar waylaid the deceased while the deceased was going to his in-laws house with his wife and they all at the point of firearms dragged the deceased from the auto-rickshaw and two accused made firing in the head and abdomen of the deceased and the husband of the informant died on the spot which fact itself shows that the petitioner also conspired and actively participated in the offence. The petitioner is aware of the fact that cognizance was taken on the basis of the material collected during the course of investigation but the petitioner waited for the result of other two accused persons who were apprehended and put on trial.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer or anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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