

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81013 of 2019

Arising Out of PS. Case No.-380 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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CHHOTU KUMAR @ PRINCE KUMAR Son of - Sanjeev Kunwar Resident
of Village- Kaithama, P.O.- Badalpura, Bishunpur, Mirzapur, Banduar, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-07-2020 Heard learned counsel for the petitioner as well as

learned APP through video conferencing.

On 23.07.2019 while deceased Bittu Kumar was
staying at the place of his friend Anmol Kumar and was going
towards Dera of Anmol, found Ranjan Kumar coming over a
motorcycle along with his wife, whereupon, he signalled which
was taken adverse and in the aforesaid background, the family
members of Ranjan Kumar came to the house of Anmol at about
4:00 PM and scolded Bittu Kumar, however, was prevented by
the family members of Anmol.

Today i.e., on 25.07.2019 at about 4:00 PM, while
Bittu and Anmol were talking in a bamboo cluster, Chhotu
Kumar @ Prince Kumar, Chandan Kumar, Nikund Kumar,



Mansu Kumar came and began to assault Bittu with fists and slaps. During midst thereof, they were joined by Ranjan Kumar at whose instance, Nikund and Mansu shot at Bittu causing instantaneous death.

Learned counsel for the petitioner has submitted that petitioner and his whole family members have been victimized because of the fact that Anmol and the deceased, who have got criminal antecedents as incorporated under para-26 and 27 of the case diary, were terrorizing the villagers, was resisted and as it appears, they might have sustained injury in different manner at different place, more particularly, in the background of the fact that there was no occasion for the deceased to stay at the place of Anmol for the last 15 days as is evident from further statement of the informant/father of the deceased and it is also evident from the statement of Anmol, the alleged sole eyewitness, did not inspire confidence in the facts and circumstances of the case, more particularly, when the other witnesses have disclosed that deceased was staying at Bangalore and so, there was no occasion for him to stay at the place of Anmol than to his home place. Even at a glance of statement of Anmol (para-10), it is evident that grappling took place on 23.07.2019 so, had there been such kind of occurrence,



threatening at the end of the petitioner, then in that circumstance, deceased might have left the place as it was not his parental house but staying up to 25.07.2019, the alleged date of occurrence suggests otherwise. Moreover, even considering the statement, petitioner is not the assailant.

That being so, it is a fit case wherein petitioner should be released on anticipatory bail.

Learned APP opposed the same and submitted that though at an initial stage some wrong was committed by the deceased while giving signals to Ranjan during course of passing through over a motorcycle along with his wife but, in the aforesaid background, deceased was done to death in a pre-planned manner. Also submitted that though petitioner is not an assailant but his active involvement is there which debars him to seek anticipatory bail.

After considering the materials discussed hereinabove, petitioner, ***Chhotu Kumar @ Prince Kumar*** is directed to be released on bail in the event of arrest or surrender within four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ***Chief Judicial Magistrate, Begusarai*** in ***Begusarai Mufassil PS Case No. 380/2019***, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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