

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15273 of 2021

Arising Out of PS. Case No.-147 Year-2019 Thana- CHAORI District- Bhojpur

RAKESH KUMAR Son of Late Surendra Singh @ Late Surendra Kumar
Sharma Resident of Village- Painal, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr. Jai Narayan Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-12-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 302, 120B
of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with
his wife and son, killed the son of the informant by hatching
conspiracy.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that son of the petitioner has been granted



anticipatory bail by a bench of this Court in Cr. Misc. No. 9049 of 2021 on 12.08.2021. He submits that there is no eye witness in the present case. He submits that deceased was a veteran criminal and he was also involved in many criminal cases.

However, learned APP for the State opposes the prayer for bail and submits that the daughter of the petitioner had love affair with the deceased, therefore, he along with his wife and son killed the deceased.

Considering the facts and circumstances of the case and the fact that there is ample evidence against the petitioner in the case diary, I am not inclined to enlarge the petitioner on bail. Accordingly, her prayer for anticipatory bail is rejected in connection with Chauri P.S. Case No. 147 of 2019 pending before the court of the learned Chief Judicial Magistrate, Bhojpur, Ara.

If the petitioner surrenders before the learned court below and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

devendra/-

(Anjani Kumar Sharan, J)

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