

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23863 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

RANJIT KUMAR SON OF MAHESH MAHTO R/O VILL.- BHUTHI,  
WARD NO. 6, SONBARS P.S., DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Md. Murad Ashraf, Advocate

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      20-06-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that at paragraph '3' of the anticipatory bail application inadvertently it has been recorded that the petitioner has antecedent of two cases, when the petitioner is a person with clean antecedent and for that a supplementary affidavit has been filed. It is thus submitted that the petitioner is a person with clean antecedent.

The informant alleges that on 28.01.2020 his son Anil Kumar (deceased) had left house at 10:00 am with empty



cylinder but when he did not return home, the informant received information that his son has been murdered at village Mohanpur, it is next alleged that informant in the F.I.R. has claimed that the named accused persons have committed murder of his son by firearm as his son was not ready to enter into a compromise with the accused persons in a case relating to the murder of his first son, thus the F.I.R. named accused persons in conspiracy with each other committed the present occurrence when his son was returning home with gas cylinder form village Mohanpur. It is further alleged that these accused persons were seen in movement by cycle and motorcycle and also on feet on in between village Bhutahi, Chiraya and Mohanpur on the date of occurrence.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant very vehemently and categorically has alleged in the F.I.R. that he received information about the killing of his son by the named accused persons as such the F.I.R. came to be instituted and specific reason has been assigned that the deceased was not willing to enter into a compromise with the accused persons with regard to the killing of his brother in which the present accused persons were also an



accused. Learned counsel next submits that petitioner is not named in the F.I.R. and his name transpired during the course of investigation in the confessional statement of co-accused Sikandar Mukhiya but has stated that it was this petitioner who had given him Rs. 10,000/- on the behest of Shailendra Mahto with whom the deceased was on an inimical term. Learned counsel submits that the informant has not even remotely alleged any suspicion against the petitioner in the F.I.R. and his name transpired in the confessional statement of co-accused which has no evidentiary value, though the co-accused before the police has accepted his role in the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is not named in the F.I.R., the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonbarsa P.S. Case No. 21 of 2020



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

**(Satyavrat Verma, J)**

Rishi/-

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