

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38337 of 2020

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

JANAMJAY KUMAR Son of Krishnandan Mahto @ Krishnandan Prasad
Resident of Village- Matiyar Kalaw, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302 and some other minor Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, 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 from 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 appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case only on suspicion. There is no eye witness of the occurrence. Moreover, petitioner has no concern with Sahiyara PS case No. 16/2010 as such there is no motive to commit the crime. Similarly situated accused Ranjit Kumar has already been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 20.06.2022 passed in Cr. Misc. No. 23863/2021.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner is named in the FIR and during the course of investigation a number of witnesses have supported the allegation made in the FIR against the accused persons, including this petitioner. It is further submitted that case of petitioner is distinguishable from co-accused, Ranjit Kumar, as petitioner is named in the FIR



whereas co-accused, Ranjit Kumar is not named in the FIR.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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