

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43012 of 2022

Arising Out of PS. Case No.-33 Year-2018 Thana- BIHARIGANJ District- Madhepura

S.P. Kumar @ Anuj Kumar Son of Late Bhushan Yadav Resident of village-
Kushthan, PS- Bihariganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Bihariganj P.S. Case No. 33 of 2018 registered for the offences
punishable under Sections 323, 341, 307, 120(B), 504, 506, 34
of the Indian Penal Code and Section 27 of the Arms Act .

As per the prosecution, the informant's father was
shot dead by co-accused Abhay Kumar on account of a dispute
that arose between the parties and just before the above said
incident this petitioner with other co-accused persons had
assaulted and threatened the informant.



The main submissions advanced by learned counsel Mr. Shailendra Kumar Singh for the petitioner are that the petitioner has clean antecedent and he preferred Cr. Misc. No. 6126 of 2022 along with co-accused Shatrughan Yadav for the relief of anticipatory bail but in the meantime he was arrested and his prayer became infructuous and the said co-accused was granted anticipatory bail by a co-ordinate Bench of this court. Further submission is that the specific allegation of firing is against co-accused Abhay Kumar and after the investigation the petitioner was not sent up for trial by the police in the Final Report but later on he was summoned by the concerned Magistrate for the alleged offences.

Learned APP Mr. Binod Kumar No. 3 appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Altogether fourteen persons including the petitioner were alleged to have committed *marpit* with the informant and the said allegation of *marpit* is stated to be the first part of the occurrence and later on as per the informant, the co-accused Abhay Kumar at the direction of co-accused Bhushan Yadav fired at the father of the informant but in the second part of the occurrence which relates to murder of the informant's father any specific allegation



against the petitioner has not been revealed and the police did not send up this petitioner for trial and he has been languishing in jail since 22.05.2022. Considering these facts as well as his clean antecedent mentioned in this petition, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in Connection with Bihariganj P.S. Case No. 33 of 2018.

(Shailendra Singh, J.)

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