

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69079 of 2021

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

RAJESH KUMAR, aged about 32 years, Sex-Male, S/O FULENA ROY @
Dhorho, R/o village- Simariya- 01, P.S.- Barauni, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bipin Kumar, Advocate
For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Barauni (Chakia O.P.) P.S. Case No. 243 of 2021 for the
offence registered under Sections 386, 302 and 379/34 of the
I.P.C.

The prosecution story, in brief, is that the petitioner
and other accused persons surrounded the informant's son. After
hearing the noise, the informant came there. They asked him
that earlier they demanded Rs. 25,00,000/- as extortion money.
So, till today he has to pay Rs. 25,00,000/- but the informant



denied to pay the same. Then co-accused Bablu Kumar ordered to shoot then, upon which, co-accused Mukesh Kumar fired bullet on the head of the informant's son. In the meanwhile, all other accused persons also started firing indiscriminately and in such occurrence, the informant's died.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The specific allegation of assault is alleged against the co-accused, namely, Mukesh Kumar. As far as the petitioner is concerned, there is general and omnibus allegation of firing alleged against the petitioner and others.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The petitioner is also alleged to have fired upon the deceased alongwith other accused persons. From perusal of the postmortem report, it is evident that there are as many as five wounds of entry found on the dead body of the deceased. Four bullets were also recovered from his body

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Barauni (Chakiya O.P.) P.S. Case



No. 243 of 2021, pending in the court of learned Chief Judicial Magistrate, Begusarai.

If the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

