

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4291 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- MAHARAJGANJ District- Siwan

ANKAJ KUMAR SON OF LATE DHUAIL PRASAD @ VIJAY PRASAD
R/O VILLAGE- SIHAUTA HALDI HATTA, P.S.- MAHARAJGANJ,
DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Maharajganj Police Station Case No. 121 of 2022 dated 28.04.2022, disclosing offence under Sections 302/34 Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, as per the First Information Report, is that at 08:40 PM on 27.04.2022, when the informant along with his brother proceeded after closing their shop, the named accused persons along with three unknown persons surrounded his brother, Md. Hamid (deceased) and at the instigation of the petitioner, co-accused Golu Kumar shot two bullets on the deceased, which hit him in his head and back and



when the informant raised alarm all the accused persons fled away. The deceased was taken to the hospital, but he was declared dead. It has further been alleged that the cause of occurrence is that the brother of the petitioner was killed in the year 2014, in which the informant's brother, Khurshid was an accused.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to previous enmity, grudge and vengeance. He further submits that the petitioner is not the assailant rather, co-accused Golu Kumar has fired upon the deceased and the petitioner is only an order giver. He further submits that in the murder of the petitioner's brother the deceased was an eye witness.

On the other hand, learned additional public prosecutor vehemently opposes the prayer for bail and submits that with common intention all the accused persons have killed the deceased and the petitioner has actively participated in the offence in retaliation of the murder of his brother.

After having heard learned Counsel for the parties concerned and taking into consideration the seriousness of the offence and the fact that the petitioner has actively participated



in the alleged occurrence, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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