

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29391 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- KALYANPUR District- Samastipur

MANISH KUMAR SAH @ MANISH KUMAR @ MANTOO KUMAR S/O
RAJESH SAH Resident of Village- Maniyarpur, P.O. and P.S.- Kalyanpur,
District- Samastipur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Nath
		Mr. Isshan Singh
		Ms. Nimisha Shankar
For the Opposite Party/s	:	Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No.303 of 2022, registered for the offence punishable under Sections 302 and other allied Sections of the Indian Penal Code.

3. The allegation against the petitioners is that he along with other co-accused person started indiscriminate firing with country made pistol upon the father of the informant as a result of which he died on the spot.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner is a student aged about 20 years and there is no specific allegation against him. He submits that the occurrence took place on 26.09.2022, the post-mortem was conducted on 27.09.2022 and the FIR was lodged on 28.09.2022. He further submits that the mother of the petitioner filed a complaint case before the Chief Judicial Magistrate, Samastipur on 17.10.2022, alleging therein that on 26.09.2022 the informant and others threatened the petitioner's family with dire consequence and directed them to withdraw the criminal complaint case registered against the informant's family members. He further submits that there is no specific overt act against the petitioner in the entire case diary. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the post-mortem report of the deceased has supported the prosecution case.

6. Having regard to the facts and circumstances of the case as well as considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.



7. Accordingly, this application is dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, accordance with law, considering that the petitioner is a student and has no criminal antecedent.

(Anjani Kumar Sharan, J)

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