

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24250 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- KAJRA District- Lakhisarai

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RAHUL KUMAR SON OF LATE NANDU RAM @ NANDU RAI Resident
of village - Majhiawan, P.S. - Kajra, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Mr. Bijendra Kumar, learned counsel for the

petitioner and Mr. Satyendra Narayan Singh, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Kajra P.S. Case No. 85 of 2022 dated 11.7.2022 registered for
the offence punishable under Section 302/34 of the Indian Penal
Code.

As per the prosecution case, on 10.07.2022 the
informant was returning towards his home along with his son,
the co-accused Suraj Kumar fired upon the son of the informant
from behind, due to which, he died. The informant has alleged
that his son Amit Kumar Anand (deceased) was in love with
Khushbu Kumari, sister of the co-accused Suraj Kumar, which
was not to his liking. Further allegation is that two other



persons were also there at the place of occurrence whom the informant could not identify.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report and has falsely been implicated in this case on the basis of confessional statement made by co-accused Suraj Kumar who in order to save himself has disclosed the name of the petitioner as the assailant. He further submits that except confessional statement of the co-accused no other material has come against the petitioner. Specific allegation has been made against the co-accused Suraj Kumar and the motive has also been assigned in the First Information Report.

I have heard learned counsel for the petitioner and the State and have perused the materials available on record. The confessional statement of Suraj Kumar recorded during investigation is at Annexure-2 and upon going through the same it appears that the co-accused Suraj Kumar entered into a conspiracy with the petitioner who made a plan for murder of the deceased Amit Kumar Anand and in execution of that plan, a revolver was purchased upon payment of Rs.50,000/-. The co-accused Suraj Kumar has also stated that it was Rahul Kumar (petitioner) who had fired upon the deceased from behind, due



to which, he died.

From perusal of the impugned order it appears that in paragraphs 15, 36, 77, 78, 79 and 80 of the case diary the learned Sessions Judge has found the statements recorded of witnesses, who have supported the factum of prosecution case and have stated that the petitioner was also involved in the murder of son of the informant. The offence alleged is serious in nature and the factum of conspiracy has also been surfaced during course of investigation. The investigation is still going on. As such, in order to find out the real offender, the custodial interrogation of the petitioner may be necessary. As a result, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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