

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42798 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- NAGAR District- Vaishali

ANIKET KUMAR @ ANIKET RAJ S/O NAND KISHOR CHAUDHARY
R/O Katra Mohalla, PS. Hajipur Town, Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Verma, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-10-2023 Heard Mr. Shailendra Kumar Verma, learned counsel
for the petitioner and learned Mr. Shailendra Kumar, Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.05.2022 in connection with Hajipur Town P.S. Case No.354
of 2022, F.I.R. dated 04.05.2022 for the offences punishable
under Sections 302, 120(B), 34 IPC & 25(1-B)A/26/35/27 of
the Arms Act.

3. According to prosecution case, informant's son had
executed an agreement for purchase of land in his name from
Rajiv Kumar Singh in which (I) Chandan Kumar (ii) Teni Ray
(iii) Ganesh Ray (iv) Chotan Rai were partners. All the partners
were doing business of selling and purchasing of land. Further
land was sold and after payment of consideration amount to the
owner of land rest amount of Rs. 20,00,000/- has been taken by



Chandan Kumar and the said Chandan Kumar told his partners that later on this amount will be distributed. Further the son of informant always demanded his share from Chandan Kumar but he did not pay the amount of share and always extended the period of payment. On 04.05.2022 the informant received information that his son has committed suicide by shooting himself at his office and on the said information when the informant along with her family members reached there then she found that her son lying dead. She saw that Chandan Kumar and Aniket Kumar have been caught hold and were assaulted by the local persons. On inquiry, Chandan Kumar disclosed that Ganesh Ray had supplied pistol and cartridge to him two days prior to the occurrence and said pistol was kept by Aniket Kumar and today after taking pistol from Aniket Kumar said Chandan Kumar committed the murder of Vinay Raj @ Chhotu. Teni Ray, Aniket Kumar, Ganesh Ray and Chotan Ray have conspired with each other and murdered the son of informant with an intention to grab his money. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. Further submits that during the course of investigation the confessional statement of co-accused namely, Chandan Kumar had recorded in which he categorically stated that he has fired upon the victim and he received the pistol which was used in the crime in question from the petitioner. He further submits that as per para-21 of the case diary the statement of petitioner was recorded in which he has stated the same story. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.05.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner stating that the petitioner had provided the arms which was used in present crime in question.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, VIIth, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.354 of 2022, subject to the



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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